

JOURNAL
OF
THE SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION OF
1935

HELD IN THE CITY OF MONTGOMERY, COMMENCING
TUESDAY, JANUARY 8, 1935



VOL. II

WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

BIRMINGHAM PRINTING COMPANY
State Printers and Binders
Birmingham, Alabama
1935



JOURNAL

OF

THE SENATE

OF THE

STATE OF ALABAMA

REGULAR SESSION, 1935

THIRTY-SECOND DAY

Wednesday, July 3rd, 1935.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Dr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Thrower
Carlton	Kuykendall	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn
Frazer	Riddle	Taylor	Woodall
Glover			

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JOURNAL

On motion of Mr. Mooneyham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Rogers (Mobile):

S. 307. To provide a lien for laundering, cleaning, dyeing, pressing, mending and/or otherwise renovating wearing apparel,

household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

Committee on Revision of Laws.

REPORTS OF COMMITTEES

Mr. Wellborn, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDermott:

H. 255. To require the Division of Departmental and County Audits to have examined the records of all county officers at least once in every two years; to provide for a sufficient number of assistant examiners of public accounts to carry out the provisions of this act; to define their duties and provide for their compensation, requiring the counties to pay for said examination out of the general fund of the county where the State is not interested and where the State is interested to require the counties to pay their pro rata share.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor (with notice and proof):

H. 711. For the relief of William H. McCaulley by the payment by the County and City of Mobile to him of the reasonable value of the use of an automobile and gasoline and oil therefor used by him while in the discharge of his duties as Probation Officer of the Juvenile Court of Mobile County, from February 1, 1934 to April 30, 1935, both inclusive.

By Mr. Starnes (with notice and proof):

S. 304. To require 25% of the total funds received by St. Clair County, Alabama, from the levy and collection by the State of Alabama of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the principal of all bonds issued against the road and bridge funds of St. Clair County, which bonds were issued for the purpose of constructing public roads and bridges in said county; requiring the County Treasurer or like official or depository of said County to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof with said funds for said purpose, providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes,

or taxes on other motor fuels shall be used as provided by the general laws of Alabama, and to provide the time when this act shall take effect.

By Mr. Toomer (with notice and proof):

H. 636. To provide for and regulate the assessment, levy and collection of Municipal taxes of the city of Auburn, in Lee County, Alabama, and to define the duties of State, County and Municipal offices and officers in regard thereto, and to fix the tax year for the said City of Auburn, and to make the Tax Collector of Lee County, Alabama ex-officio collector of property taxes for said City of Auburn.

By Mr. Starnes (with notice and proof):

S. 253. To require 25% of the total funds received by St. Clair County, Alabama, from the levy and collection by the State of Alabama of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the principal of all bonds issued against the road and bridge funds of St. Clair County, which bonds were issued for the purpose of constructing public roads and bridges in said county; requiring the County Treasurer or like official or depository of said County to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof with said funds for said purpose, providing that on final payment and retirement of said bonds, all such funds received by said county from said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama; and to provide the time when this act shall take effect.

By Mr. Sanderson:

H. 728. To provide that, in all counties in the State of Alabama now having or which may hereafter have a population of not less than ninety thousand and not more than one hundred and five thousand, according to the last Federal Census or in accordance with any future Federal Census, fees may be paid by the county to attorneys appointed by the Circuit Judge or Judges of such counties, to represent and defend persons who have been indicted by the grand jury of such counties for the commission of a crime; the maximum penalty for which, under the law, is death, where such indicted persons are without counsel and unable to employ counsel, and to fix the amount of such fees, and the mode of payment:

By Mr. Doster (with notice and proof):

H. 720. To amend an Act of the Legislature of Alabama entitled "An Act to provide for the election of a County Superintendent of Education for Autauga County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the terms and

compensation of such officers; approved July 17, 1931, and found on pages 197 and 198 of Local Acts, 1931."

By Mr. Hill (with notice and proof):

H. 710. To repeal An Act entitled: "An Act to require twenty-five per cent of the total funds received by Marion County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels, to be used for the purpose of establishing a sinking fund for the retirement of the \$100,000.00 in bonds of said county, issued for the purpose of constructing public roads in said county, authorized by an election held on the first day of November, 1913; requiring the county treasurer of said county to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof, with said funds; providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels, shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect," approved March 9, 1933.

And to provide that any funds on hand which have accumulated under the provisions of the said Act so repealed shall be used by the Commissioners Court of said county in accordance with the provisions of the general laws of Alabama, under which said funds were levied and collected by the State, or for the purpose of matching Federal funds for road purposes.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Doster (with notice and proof):

H. 719. For the relief of Guy Rice, Solicitor for Autauga County, Alabama.

By Mr. Sanford (with notice and proof):

H. 656. To provide for the payment of certain claims for fees and court costs now outstanding and registered against the Fine and Forfeiture Fund of Elmore County, Alabama, in favor of the Clerk of the Circuit Court and Clerk of the County Court, or court of like jurisdiction, and making all such claims accruing hereafter payable out of the General Funds of said County, and authorizing and empowering the Court of County Commissioners to pay said claims out of the General Funds of said County.

By Mr. Heflin (with notice and proof):

H. 715. To pay or re-imburse J. F. Anderson the sum of One Hundred Dollars for his Ex-Officio Fees as Clerk of the Inferior Court of Randolph County, Alabama, the said J. F. Anderson having acted as such Clerk under the Ruling of the Attorney General

of Alabama holding that the Act abolishing the Inferior Court of Randolph County, Alabama and approved on February 5, 1935 was unconstitutional and void. Said sum of \$100.00 as Ex-Officio fees or services to be paid out of the general funds of Randolph County, Alabama.

By Mr. Almon (with notice and proof):

H. 638. To authorize and empower the Board of Revenue of Morgan County, Alabama, to pay to Sam P. Lile the sum of \$175.25, the value of a barn which was destroyed by fire on account of the negligence of employees of Morgan County, Alabama, who were burning brush, clearing the right of way for a road.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Almon (with notice and proof):

H. 639. To provide for the appointment of an official court reporter by the Judge of the Morgan County Court of Morgan County, Alabama: to fix the compensation, define his duties, and provide for a special reporter in certain cases.

By Mr. Goldsmith (with notice and proof):

S. 306. To amend Section 7 of an Act entitled, "An Act to provide for a special Election to be held in Lowndes County, Alabama, to determine whether the County Superintendent of Education shall be elected by the qualified voters of Lowndes County, to further provide for the time and manner of his election, and to fix his term of office and salary; and to prescribe his qualifications," approved March 10, 1931.

By Mr. Bulger (with notice and proof):

H. 642. To provide for the regulation and purchasing of supplies for which Tallapoosa County, Alabama is liable for the County officials, the County officers and every department of the County including supplies, books, materials, office equipment, printing and printed matter needed and used in and by the various offices of said County, the officers thereof, the jail and almshouse and to provide for the appointment or election of a purchasing committee to be intrusted with the duty and responsibility of making and authorizing such purpose and to provide that such supplies, books, materials, office equipment, printing and printed matter and other supplies be bought through competitive bids. To provide for the purchasing of all equipment such as machinery, mules, horses, tools and other supplies or equipment to be used for and in connection with all road work either construction, maintenance or repair of roads in Tallapoosa County, Alabama. To define the powers and duties of the purchasing committee herein created.

By Mr. Owen (of Etowah) (with notice and proof):

H. 619. To allow the Sheriff of Etowah County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Etowah County in monthly installments.

By Mr. Sanford (with notice and proof):

H. 617. To provide compensation for the Sheriff of Elmore County, Alabama, for patrolling the Lakes and policing dance halls and fishing camps of said county and for performing other public services required of him for which no compensation is allowed, and authorizing said sheriff to appoint one deputy, fix his tenure of office, prescribe his duties fix his compensation, and to authorize and prescribe their duties, fix their compensation, and to authorize the Court of County Commissioners of said county, at their discretion to pay the compensations of said sheriff and deputy by warrants drawn on the treasurer and paid out of the general funds of said county, and to require said deputy to give bonds payable to the said sheriff conditioned as required by Section 2595, Code of Alabama, 1923.

By Mr. Sanford (with notice and proof):

H. 616. To authorize the Commissioners Court of Elmore County, Alabama, to make provision for paying off, refunding or redeeming all or any part of outstanding legal bonds of said county before their due dates, where same may be effected by agreement with the holder thereof, at such time or times as said court may deem advisable, at a premium of not exceeding three per centum above par, if necessary or advisable in the opinion of said court, said premium to be in addition to the accrued interest thereon, and to authorize said court to effect said redemption or payment by paying cash or by issuance and sale of refunding warrants against the general fund, pledging the general fund of the county for the payment thereof, said warrants to bear interest at a rate not exceeding four per centum per annum, maturing in such amounts and at such times as said court may determine, none of such warrants to mature beyond the due date of the bonds to be so redeemed, refunded or paid off and to provide that interest thereon shall be paid semi-annually and shall be evidenced by coupons attached to said warrants, and to provide further that the total amount of warrants so issued shall not exceed the face value of bonds so redeemed or paid off together with accrued interest and said premium.

By Mr. Sanford (with notice and proof):

H. 615. To repeal an Act entitled "An Act to provide for and regulate the pay of state witnesses before the County Court of Elmore County, Alabama, out of the general fund of said county", approved July 17th, 1931, Local Acts of Alabama, 1931, page 199.

Mr. Walden, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Walton:

S. 182. To regulate the practices of professional engineering including land surveying; creating a State Board of Registration for Professional Engineers and Land Surveyors; defining its powers and duties; also imposing certain duties upon the State and political sub-divisions thereof in connection with public work; providing penalties.

Mr. Walden, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Coleman:

H. 278. To authorize cooperative agricultural associations organized under the laws of this State to acquire and hold stock in the New Orleans Bank for Cooperatives and in the Central Bank for Cooperatives and to authorize eligible corporations to acquire and hold stock in production credit associations.

By Mr. Coleman:

H. 275. To provide for the Incorporation, Organization, and Regulation of Mutual Cooperative Marketing and Purchasing Corporations or Associations of Agricultural Products in this State, and to give to such Corporation or Association Certain Rights, Privileges, and Powers, and to Repeal Article 21 of Chapter 274 of the Code of 1923.

By Mr. Coleman:

H. 277. To amend Sections 7131, 7133, 7134 and 7151 of the Code of Alabama of 1923.

By Mr. Walton:

S. 241. To amend an Act entitled an Act to amend Section 1255 of the Code of Alabama, 1923, approved July 22, 1931.

By Mr. Coleman:

H. 276. To provide for the dissolution of cooperative marketing corporations or associations, or of cooperative marketing and purchasing corporations or associations heretofore or hereafter organized under the laws of this State.

By Mr. Taylor:

H. 583. To amend section 8 of an Act entitled "An Act creating and Establishing Juvenile Courts in all Counties of the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not

more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said Courts; for the equipment of said courts, for the Judge and officers of the courts; Their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bonds of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependants and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one half of the expenses arising out of the operation of said courts, and for the protection of said children against disqualification or prejudice in other courts in the civil service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," approved September 9, 1927, as amended by an Act approved April 21, 1931, so as among other things to amend the title and section 1 thereof, and as further amended by an Act approved April 17th, 1933.

By Mr. Goodwyn:

H. 483. To create in all Counties of the State of Alabama, which have now not less than seventy-five thousand and not more than one hundred thousand inhabitants, according to the last Federal Census and which may hereafter have such population according to any Federal Census hereafter taken, the office of Delinquent Officer of the Juvenile and Domestic Relations Court, or Courts of like jurisdiction in such Counties; to prescribe his duties and the

method of his appointment; to fix his term of office; to fix his compensation and to prescribe the method of payment thereof; to fix amount of his bond and to determine his authority.

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Calhoun:

H. 657. To amend Section 2341 of the Code of Alabama of 1923 and an amendment thereto, approved August 9, 1927, entitled "An Act to amend Section 2341 of the Code of Alabama of 1923."

Mr. Rogers of Mobile, Chairman of the Standing Committee on Seaports, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McPhaul:

H. 569. To provide for and authorize creation and incorporation of a Commission to be known as the Alabama Oyster Commission for the purpose of preserving the oyster and shrimp life in the public waters of this State and to increase and improve the supply thereof and to prevent undue or unnecessary depletion thereof; to prescribe its powers and duties; to provide for securing necessary funds by means of grants or loans for such purpose; authorizing it to issue bonds and providing for the payment of such bonds; to prescribe the rights and powers of the purchasers of any bonds issued.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 209. To provide for compensation of members of the Board of County Commissioners of Crenshaw County out of the Gasoline Excise Tax Fund.

S. 184. To authorize and empower the governing bodies of all counties in this State, which are now collecting or may hereafter collect as much as Forty Thousand Dollars per year from any road or bridge tax of one-fourth of one per centum levied under Section 215 of the present Constitution of Alabama, to transfer and assign, sell or pledge not more than fifty per centum of the county's part of the gasoline taxes now or hereafter levied by the State of Alabama, and divided among the sixty-seven counties of this

State, for a period of not exceeding twenty years, and to authorize the issuance and sale of warrants, securities, debentures or assignments of said taxes, and to provide for the payment of such warrants, debentures, securities or assignments out of such county's part of such gasoline taxes; and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair, surfacing, or re-surfacing of roads and bridges, and the matching of funds with the State of Alabama or the United States of America, for highway and bridge purposes; and to further provide for authority by the counties for the deposit of such proceeds with the State of Alabama for highway or bridge purposes.

S. 215. To amend the Code of Laws for the State of Alabama, known as the "Agricultural Code of Alabama", of 1927, adopted as the Code of Laws for the State of Alabama, prepared in accordance with the provisions of the Act approved February 18, 1927, (H. 273—Goode) by the Act of the Legislature approved August 24, 1927, and which pertains to Agriculture and Industries and relating subjects which are administered by, concern or relate to the duties of the Commissioner of Agriculture and Industries or the State Board of Agriculture as follows: Amend Section 347 of Article Thirty-One pertaining to supervision of Cotton Gins.

S. 193. To relieve all persons in Chambers County, Alabama of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such obligation to work on the public roads in Chambers County, Alabama.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

ORDER TO PRINT

On motion of Mr. Thrower, 500 copies of the bill:

S. 182. To regulate the practices of professional engineering including land surveying; creating a State Board of Registration for Professional Engineers and Land Surveyors; defining its powers and duties; also imposing certain duties upon the State and political subdivisions thereof in connection with public work; providing penalties.

Were ordered printed for use of the Senate.

SPECIAL, PARAMOUNT AND CONTINUING ORDER SET.

On motion of Mr. Wellborn, the bill:

H. 255. To require the Division of Departmental and County Audits to have examined the records of all county officers at least once in every two years; to provide for a sufficient number of assistant examiners of public accounts to carry out the provisions of this act; to define their duties and provide for their compensation, requiring the counties to pay for said examination out of the general fund of the county where the State is not interested and where the State is interested to require the counties to pay their pro rata share.

Was made a Special, Paramount and Continuing order for the next legislative day.

BILL TAKEN FROM ADVERSE CALENDAR

Pursuant to written notice heretofore given, Mr. Walton moved to take from the Adverse Calendar, have the same read a second time and placed on the regular calendar, the bill:

S. 161. For the relief of R. H. Leverett, and to appropriate for the use of said R. H. Leverett, the sum of three hundred forty-eight dollars for the loss and destruction of one 1933 model Ford V8 car, which was wrecked on account of a defective bridge on January 13, 1935, on the Waverly highway, near LaFayette, Alabama.

Which motion prevailed, and said bill was taken from the adverse calendar, read a second time and placed on the regular calendar for a third reading on to-morrow.

Yeas, 22; Nays, 5.

Yeas:

Messrs.:

Browder	Goldsmith	Parrish	Thrower
Carlton	Kelly	Rogers (Mobile)	Tucker
Chesnut	Kuykendall	St. John	Walton
Cook	Mixon	Swift	Weaver
Frazer	Mooneyham	Thomas	Woodall
Glover	McDowell		

—22

Nays:

Messrs.:

Dorsey	Taylor	Walden	Wellborn
Russell			

—5

Mr. Walden moved that said bill, S. 161, be re-referred to the Committee on Finance and Taxation, which motion was lost.

Yeas, 14; Nays, 14.

Yeas:

Messrs.:

Browder	Glover	Russell	Thrower
Carlton	Goldsmith	Simpson	Walton
Cook	Kelly	Taylor	Wellborn
Dorsey	Kuykendall		

—14

Nays:

Messrs.:

Chesnut

Frazer

Mixon

Mooneyham

McDewell

Parrish

Rogers (Mobile)

St. John

Swift

Thomas

Tucker

Walton

Weaver

Woodall

—14

Said vote being a tie, the Lieutenant-Governor and presiding officer of the Senate voted "No."

RESIGNATION AND ELECTION OF PAGE

Mr. Wellborn presented to the Senate the resignation of Arthur B. Chilton as a page of the Senate, which resignation was accepted.

Thereupon, Mr. Wellborn placed in nomination as a page to fill the vacancy caused by such resignation, John Morgan Chilton, and the election of said John Morgan Chilton as such page was made unanimous.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 251. To amend Section 2 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct highway bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders", approved February 7th, 1935.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Russell, further consideration of the bill:

S. 84. To amend Section 9577 of the Code of Alabama of 1923. Was indefinitely postponed.

Mr. Dorsey moved that further consideration of the bill:

S. 133. To provide for the issuance of Certificates of Liens on personal property by the Judges of Probate, and to fix the fee therefor.

Be indefinitely postponed. Mr. Frazer moved to table the motion to indefinitely postpone, which motion was lost.

Thereupon the motion of Mr. Dorsey prevailed, and said bill was indefinitely postponed.

On motion of Mr. Dorsey, further consideration of the bill:

S. 134. To provide for the mortgaging of all chattel of a named class or classes owned at the time of the execution of the mortgage and on such property of like kind as may be acquired during a stated period not to exceed twelve months to secure any and all indebtedness which the mortgagor may owe the Beneficiary during said period.

Was indefinitely postponed.

BILL RE-REFERRED

On motion of Mr. Tucker, the bill:

S. 85. To provide for the relief of Hubert B. Sims, and to make an appropriation therefor.

Was taken from to-day's calendar and re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

BILLS ON THIRD READING

The bill:

H. 584. To amend an Act entitled an Act, "To amend Section 4 of an Act entitled: An Act to provide for the consolidation of the administration and control of the public school system in any county of not less than seventy five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority, approved March 5, 1931, Approved July 8, 1931.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder
Carlton
Chesnut
Cook
Dorsey
Frazer
Glover

Kelly
Kuykendall
Mooneyham
McDowell
Parrish
Rogers (Mobile)
Russell

St. John
Simpson
Stephens
Swift
Taylor
Thrower

Tucker
Walden
Walton
Weaver
Wellborn
Woodall

Nays:—None.

The bill:

H. 228. To amend Section 3427 of the Code of Alabama, 1923.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Browder	Goldsmith	Russell	Thrower
Carlton	Kuykendall	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Parrish	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall

—28

Nays:—None.

The bill:

H. 291. To amend Section 6824 of the 1923 Code of Alabama.

Was read a third time at length and passed.

Yeas, 29; Nays, 1.

Yeas:

Messrs.:

Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Thrower
Chesnut	Mixon	St. John	Tucker
Cook	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Weaver
Frazer	Parrish	Stephens	Wellborn
Glover	Riddle	Taylor	Woodall
Goldsmith			

—29

Nay:—Mr. Walton.

—1

The bill:

H. 647. To create a Purchasing Agency for St. Clair County, Alabama, to be composed of the Probate Judge of said County and one member of the County Commissioners of that County whose duties shall be to purchase books, stationery, blanks, machinery, supplies, materials, appliances and equipment for the several County offices, jails, court houses, almshouses, public roads and bridges of said county, and to define the powers and duties of said Purchasing Agency.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Frazer	Mooneyham	Russell
Carlton	Glover	Parrish	St. John
Chesnut	Kelly	Riddle	Simpson
Dorsey	Mixon	Rogers (Mobile)	Starnes

Stephens	Thrower	Walton	Wellborn
Swift	Tucker	Weaver	Woodall
Thomas	Walden		

—26

Nays:—None

The bill:

H. 224. To amend Section 10313 of the 1923 Code of Alabama.
Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:			
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Thrower
Chesnut	Mixon	St. John	Tucker
Cook	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Weaver
Frazer	Parrish	Stephens	Wellborn
Glover	Riddle	Taylor	Woodall
Goldsmith			

—29

Nays:—None.

The bill:

S. 151. To appropriate \$292.50 to be paid to Auto Electric Service Company of Montgomery, Alabama, to refund to it license taxes paid by it to the State of Alabama erroneously and to authorize the State Treasurer to pay the same to the said Auto Electric Service Company.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amendment to S. 151.

Amend S. 151 by striking out the words "State Treasurer" where they appear in the caption and insert in lieu thereof the words "State Comptroller".

Amend Section 2 by striking out the words "State Auditor" where they appear in said section and insert in lieu thereof the words "State Comptroller".

Amend said bill by striking out the amount of "\$292.50" wherever said amount appears in the bill and insert in lieu thereof the amount of "\$195.00".

Amend said bill by striking out the amount of "\$292.50" wherever said amount appears in the caption of said bill and insert in lieu thereof the amount of "\$195.00".

Which was adopted.

Yeas, 28; Nay, 1.

Yeas:

Messrs.:

Browder	Kelly	Rogers (Mobile)	Thrower
Carlton	Kuykendall	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Cook	Mooneyham	Simpson	Walton
Frazer	McDowell	Stephens	Weaver
Glover	Parrish	Taylor	Wellborn
Goldsmith	Riddle	Thomas	Woodall

—28

Nay:—Mr. Dorsey.

—1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Thrower
Browder	Kelly	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Weaver
Cook	McDowell	Stephens	Wellborn
Dorsey	Parrish	Taylor	Woodall
Frazer	Riddle	Thomas	

—27

Nays:—None.

The bill:

S. 152. To appropriate \$40.00 to be paid to Auto Parts and Tool Company of Montgomery, Alabama, to refund to it license taxes paid by it to the State of Alabama erroneously and to authorize the State Treasurer to pay the same to the said Auto Parts & Tool Company.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amendment to S. 152.

Amend S. 152 by striking out the words "State Treasurer" where they appear in the caption and insert in lieu thereof the words "State Comptroller".

Amend Section 2 of said bill by striking out the words "State Auditor" where they appear in said section and insert in lieu thereof the words "State Comptroller".

Amend said bill by striking out the amount of "\$40.00" wherever said amount appears in the bill and insert in lieu thereof the amount of "\$39.00".

Amend said bill by striking out the amount of "\$40.00" wherever said amount appears in the caption of said bill and insert in lieu thereof the amount of "\$39.00".

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Parrish	Thrower
Browder	Glover	Riddle	Tucker
Carlton	Kelly	Russell	Walden
Chesnut	Mixon	Simpson	Weaver
Cook	Mooneyham	Stephens	Wellborn
Dorsey	McDowell	Thomas	

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thrower
Carlton	Kuykendall	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Glover	Riddle	Thomas	Woodall

—24

Nays:—None.

The bill:

H. 609. To appropriate funds for the payment to the persons to whom originally due, their heirs, executors or administrators, of unpaid costs and fees of jurors, officers and witnesses which are legal charges against any county fund, accrued, or which will accrue, in the prosecution of the criminal cases now pending against Haywood Patterson, Eugene Williams, Charlie Weems, Roy Wright, Ozie Powell, Willie Robertson, Andy Wright, Olen Montgomery and Clarence Norris; to provide the manner of the payment of such costs and fees; and to provide penalties for the disbursement of any funds hereby appropriated for any purpose or in any manner not authorized hereby.

Whereas the extended litigation of the cases involving the persons named in the title to this Act, has resulted in unprecedented expense to the counties in which said cases are being prosecuted; and whereas the payment of such costs and fees in said cases by the said counties or from the several funds thereof will be unusually burdensome to the said counties and to the several funds thereof.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amendment to H. 609.

Amend H. 609 by substituting for the words and figures "Thirty Five Thousand (\$35,000.00)", "Twenty Five Thousand (\$25,000.00)" where they appear in Section 1 of said bill.

On motion of Mr. Browder said amendment was laid on the table.

Yeas, 21; Nays, 9.

Yeas:

Messrs.:

Browder	Kelly	St. John	Tucker
Carlton	Kuykendall	Starnes	Walden
Chesnut	Mixon	Stephens	Walton
Cook	Mooneyham	Swift	Weaver
Glover	Parrish	Thomas	Woodall
Goldsmith			

—21

Nays:

Messrs.:

Bonner	McDowell	Russell	Thrower
Dorsey	Rogers (Mobile)	Taylor	Wellborn
Frazer			

—9

And said bill was then read a third time at length and passed.

Yeas, 23; Nays, 4.

Yeas:

Messrs.:

Bonner	Goldsmith	Russell	Thomas
Browder	Kelly	St. John	Walden
Carlton	Kuykendall	Starnes	Walton
Chesnut	Mixon	Stephens	Weaver
Cook	Mooneyham	Swift	Woodall
Glover	Parrish	Taylor	

—23

Nays:

Messrs.:

Dorsey	Rogers (Mobile)	Thrower	Wellborn
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—4

REPORT OF CONFERENCE COMMITTEE

To the Senate and House of Representatives of Alabama:

We, your Conference Committee appointed on the disagreement on the Senate Substitute to the Bill, House 324, beg leave to report as follows:

WE RECOMMEND:

1. That the Substitute Bill be amended by striking Sub-section "q" of Section 2 of Article 1 from said Bill.

2. That the Substitute Bill be amended by striking out the words and figures "Forty-eight Hundred Dollars (\$4800.00) net" where they appear in the first paragraph of Section 29-a, and insert in lieu thereof the words and figures "Five Thousand Four Hundred Dollars (\$5400.00), net annually. Provided, that after the term of office beginning with the first of October, 1935, expires, then the fees, compensation and earnings of the Tax Assessor allowed under the revenue laws of the State, shall not together with all other fees, compensations, allowance, and earnings to them, exceed four thousand dollars (\$4000.00) net annually."

3. Amend Section 29-a of said Substitute Bill by striking therefrom the last paragraph beginning with the words: "Provided, however, in counties of fifteen hundred square miles."

4. Amend said Substitute Bill by adding Section 36 as follows: "Section 36. Between the first day of October and the first day of January of each year, the Tax Assessor shall in all counties having a population of one hundred thousand or less, visit each voting place in each precinct for the purpose of listing property for taxation, and he shall remain there one day in all county precincts and towns of less than one thousand inhabitants, from eight o'clock A. M. until four o'clock P. M. In towns other than county seats, of five thousand inhabitants or more, he shall remain at each place of appointment for one week, either by himself or deputy. In places of one thousand inhabitants and not over five thousand, he shall remain at the place of appointment for three days, either by himself or deputy. The Assessor shall give at least ten days notice by advertisement in a newspaper, if there be one published in the county, and by bill posted at five or more public places in each election precinct, of the time when he will attend to receive the tax returns. Upon the failure of the Tax Assessor to give the notice required by this Section, or to attend any appointment made by him in any precinct, he shall after legal notice, fill new appointments, or forfeit all claims to fees from such persons in such precinct as were disappointed by his non-attendance. He shall keep the office open at the court house all the year round. Provided, that the Court of County Commissioners or court of like jurisdiction, may by order duly entered on its minutes as other orders and decrees of the court are entered, relieve the Tax Assessor from making visits to each voting place in each precinct as above provided, when in the opinion of the court it is deemed advisable."

5. Amend said Substitute Bill by striking out the first two paragraphs of Section 85, and insert in lieu thereof the following: "All appeals from the rulings of the Board of Review fixing values of property shall be taken within thirty days after the final decision of said Board fixing the assessed valuation as provided in this Act. The taxpayer shall file notice of said appeal with the secretary of the Board of Review and with the Clerk of the Circuit Court, and shall file bond to be filed with and approved by the Clerk of the Circuit Court, conditioned to pay all costs and the taxpayer or the State shall have the right to demand a trial by jury by filing a written demand therefor, within ten days after the appeal is taken."

When an appeal is taken the taxpayer shall pay the taxes due as fixed for assessment for the preceding tax year before the same becomes delinquent, and upon failure to do so, the court upon motion ex mero motu must dismiss the appeal, unless at the time of taking the appeal the taxpayer has executed a supersededas bond with sufficient sureties to be approved by the Clerk of the Circuit Court in double the amount of taxes, payable to the State of Alabama, conditioned to pay all taxes, interest and costs due the State, County or any agency or subdivision thereof."

6. Amend said Substitute Bill by striking from Section 162 the following words: "for a period of ten years from the date of his default," and substitute in lieu thereof the following: "for a period of the terms of his office and six years thereafter."

7. Amend said Substitute Bill by striking Sub-section "e" of Section 168 from said Bill.

8. Amend Section 168a of said Substitute Bill by striking out the words and figures "Forty-eight Hundred Dollars (\$4800.00) net" where they appear and insert in lieu thereof the words and figures "Five Thousand Four Hundred Dollars (\$5400.00) net annually. Provided, that after the term of office beginning with the first of October, 1935, expires, then the fees, compensation and earnings of the Tax Collector allowed under the revenue laws of the

State, shall not together with all other fees, compensations, allowance, and earnings to them, exceed four thousand dollars (\$4000.00) net annually."

9. Amend said Substitute Bill by striking out the last paragraph of Section 168a.

10. Amend Section 265 of said Substitute Bill by striking out the words: "six percent interest" where they occur therein and insert in lieu thereof the words: "eight percent interest."

11. Amend said Substitute Bill by striking out Section 277 and insert in lieu thereof the following: "Section 277. The State Comptroller must also ascertain the amount of such purchase money which has been paid to the county in which the land is situated, as fees, costs, taxes, penalty and interest, or on other account, if any such payment has been made on account of such purchase, which amount he shall certify to the Judge of Probate of such county, or presiding officer of the court of like jurisdiction where the Judge of Probate has no connection with such court, who shall present such claim at the next succeeding term of the Commissioners' court or court of like jurisdiction of such county, whereupon such court shall order a warrant in favor of the State for such amount, which warrant shall be a preferred claim against the county, and payable by the County Treasurer to the Judge of Probate, or presiding officer of any court of like jurisdiction where the Judge of Probate has no connection with such court, who shall forthwith forward such amount, less cost of remitting, to the State Treasury, and report it to the State Comptroller."

12. Amend said Substitute Bill by striking out Sub-section "b-1" of Section 279.

13. Amend said Substitute Bill by striking out subsection "b" of Section 279.

14. Amend Section 319 of said Substitute Bill by striking out the words: "during such calendar year" wherever they occur in said Section.

15. Amend Section 349 of said Substitute Bill by striking out the words: "except a foreign corporation which owns tangible property situate in the State of Alabama, and the fair and reasonable market value of which tangible property situate in the State of Alabama is in excess of seventy-five per cent of the fair and reasonable market value of all of the tangible property owned by such foreign corporation."

16. Amend said Substitute Bill by striking out Section 356 of said Bill and insert in lieu thereof the following: "Section 356. (a) No list of securities shall be received for record by the State Tax Commission unless and until the following privilege or license tax shall have been paid to the State Tax Commission upon such list of securities, before the same shall be offered for record, to-wit: Upon all such securities listed with the State Tax Commission, the par value or principal amount of which does not exceed One Hundred Dollars (\$100.00), the sum of Twenty-five cents (25c) and upon all such securities the par value or principal sum of which is more than One Hundred Dollars (\$100.00), the sum of Twenty-five cents (25c) for each One Hundred Dollars (\$100.00) of value or fraction thereof as shown in said list. For the purpose of this Act, shares of stock having no nominal or par value, included in any such list of securities, shall be taken in the determination of said tax as equal to One Hundred Dollars (\$100.00) par value per share, unless the actual value thereof be otherwise shown affirmatively on the list thereof to the satisfaction of the State Tax Commission, in which event the sum to be paid shall be twenty-five cents for each One Hundred Dollars (\$100.00) of the value thereof so shown provided a list of all securities may be filed and recorded annually and the tax paid as above provided for each year.

(b) Upon the filing for record in the office of the State Tax Commission of any such list of securities, the owner of the securities listed therein

or his agent, shall present said list to the State Tax Commission and pay to the State Tax Commission the amount of tax required under this Section to be paid on account thereof, and upon such payment the State Tax Commission, or any member thereof or any of its assistants, shall certify on said list of securities the fact that the tax has been paid.

(c) The tax collected by the State Tax Commission under this Act, shall be paid by the State Tax Commission to the State Treasurer.

(d) There shall be no ad valorem tax assessed or collected upon any security included in any list on account of which the tax prescribed by this Act shall have been paid either State, County or Municipal, for the year in which listed, provided however, that if said securities are not listed for any tax year and the privilege or license tax paid as herein provided, the same shall be considered as escape personal property and subject to the ad valorem taxes, laws and penalties relating to personal property which has escaped taxation, and the Tax Assessor of the county wherein the owner of such securities resides, or the State Deputy Tax Assessor shall assess the same as escaped personal property is assessed, and notify the State Tax Commission that such assessment has been made and for what years the same has been made, and the State Tax Commission shall not thereafter accept the same for listing for the years for which it has been so assessed for taxation.

(e) The owner shall not be required to list any security or securities exchanged or issued to replace, or in lieu thereof, any securities owned and listed by the owner in the same corporation or in a merger or consolidation of the corporation in which said securities are held, for the tax year in which exchanged or replaced."

17. Amend Section 360, Schedule 7, of said Substitute Bill by adding at the end of said Schedule the following words: "in all other places whether incorporated or not, (\$5.00) Five Dollars."

18. Amend Section 360, Schedule 12, of said Substitute Bill by striking out the figures: "twenty-five" where they occur in the fourth paragraph of said Schedule, and insert in lieu thereof the figures: "twenty."

19. Amend Section 360, Schedule 32, of said Substitute Bill by striking out the word: "month" after the word: "preceding" where it occurs in said Schedule, and insert in lieu thereof the word: "quarter."

20. Amend Section 360, Schedule 34 of said Substitute Bill by striking out the following words: "Provided that no incorporated cities or towns, except cities or towns in which the principal place of business of said wholesale dealer is located, shall levy a license which shall exceed that paid to the County."

21. Amend said Substitute Bill by striking out Schedule 58 of Section 360 and insert in lieu thereof the following: "Schedule 58. For each dealer in electric, gas or other mechanical refrigerators, electric or gas heaters, electric or gas water heaters, electric or gas stoves, and/or for each electrical or gas repair, or electrical or gas supply shop: In cities of one hundred thousand inhabitants or over, thirty dollars (\$30.00); in cities of fifty thousand and less than one hundred thousand inhabitants, twenty dollars (\$20.00); in cities of ten thousand and less than fifty thousand inhabitants, ten dollars (\$10.00); in places of less than ten thousand inhabitants, whether incorporated or not, five dollars (\$5.00)."

22. Amend Schedule 67 of Section 360 of said Substitute Bill by striking out the words and figures: "One hundred Dollars (\$100.00)" where they occur in said Bill and insert in lieu thereof the words and figures: "Forty Dollars (\$40.00)."

23. Amend said Substitute Bill by adding the following words at the end of Schedule 85 of Section 360: "at it or his plant."

24. Amend Schedule 86 of Section 360 of said Substitute Bill by striking out the words and figures: "Twenty-five Dollars (\$25.00)" where they oc-

cur in said Schedule, and insert in lieu thereof the words and figures: "One Hundred Dollars (\$100.00)."

25. Amend said Substitute Bill by striking out Schedule 106 of Section 360, and insert in lieu thereof the following: "Schedule 106. For every itinerant vendor, or peddler, who shall sell or offer for sale any drugs, ointments or medical preparations intended for treatment of any disease or injury, who shall by speech, writing or printing, or any other method provided to treat or cure diseases or injury, or deformity, by any drug nostrum or medical preparation shall pay an annual license of Two Hundred and Fifty Dollars (\$250.00) to the State and One Hundred and Twenty-five Dollars (\$125.00) in each county where he does business. But the license taken out under this Schedule will not be so construed as to authorize the licensee to practice medicine or treat persons for diseases.

(b) Each itinerant vendor or peddler of medicine or other articles of like character shall pay an annual license of fifty Dollars (\$50.00) to the State and Fifty Dollars (\$50.00) to each county in which they do business.

Provided that the payment of the license under this Schedule shows no authority for engaging in any business for which a higher license is in this Act required without the payment of a higher license."

26. Amend Schedule 112 of Section 360 of said Substitute Bill by striking out said Schedule 112 and insert in lieu thereof the following: "Schedule 112. Each person doing business as a plumber, steam fitter, or operator of a tin shop or roofing shop, in towns or cities of fifty thousand inhabitants, or over, twenty-five dollars (\$25.00); in cities and towns of ten thousand inhabitants and less than fifty thousand inhabitants, fifteen dollars (\$15.00); in cities and towns of less than ten thousand inhabitants, ten dollars (\$10.00); in all other places, whether incorporated or not, five dollars (\$5.00)."

27. Amend Sub-section "d" of Schedule 148 of Section 360 of said Substitute Bill by adding after the word: "food" in next to the last paragraph of said Sub-section, the following words: "candy and peanuts."

28. Amend Schedule 148 of Section 360 of said Substitute Bill by striking from said Schedule the following words: "Provided, however, that the above provisions of this Schedule shall not apply to any person or persons engaged in selling the products of a single manufacturer exclusively, which person or persons shall pay a license of fifty dollars."

29. Amend Schedule 149 of Section 360 of said Substitute Bill by striking out the first paragraph of said Schedule and insert in lieu thereof the following: "Each person doing business as a transient dealer as defined in this Schedule and who does not pay the privilege license under Schedule 34, or the license permit under Schedule 162.16 shall pay an annual license tax to the State of \$30.00. The payment of one State license shall authorize such transient dealer to engage in such business in any county in the State upon the payment of a county license of five (\$5.00) dollars in each such county."

30. Amend said Substitute Bill by adding at the end of Sub-section "k" of Schedule 149 of Section 360, the following words: "candy and peanuts."

31. Amend Schedule 159.21 of Section 360 of said Substitute Bill by adding the following words at the end of said Schedule: "Provided further that nothing herein contained shall be held or construed to repeal any law heretofore enacted providing for the collection of excise tax on the sale, distribution or withdrawal of gasoline from storage in this State until all such taxes accrued prior to the effective date of this Chapter shall have been collected."

32. Amend said Substitute Bill by striking out Schedule 159.22 of Section 360 of said Bill.

33. Amend said Substitute Bill by striking from Section 31 of Schedule 162 of Section 360, the following words: "the General Education Fund" and insert in lieu thereof the words: "Special Educational Trust Fund."

34. Amend Section 380 of said Substitute Bill by striking out the words: "five years" where they occur in said Section and insert in lieu thereof the words: "one year."

35. Amend Section 384-a of said Substitute Bill by inserting after the words: "Federal Census as follows" the following:

"10 to 30 thousand—\$ 300.00 per month.
 30 to 40 thousand— 450.00 per month.
 40 to 50 thousand— 750.00 per month.
 50 to 85 thousand— 850.00 per month.
 85 to 110 thousand—1,325.00 per month.
 110 to 125 thousand—1,500.00 per month.
 125 to 500 thousand—3,000.00 per month.

Provided, however, in any county where the Probate Judge does not act as Chairman of the Board of County Commissioners, or such other like governing body, the Board of County Commissioners or such other like governing body, may reduce the salaries for clerks, typists, stenographers and other office expenses, but not to exceed fifty percent of the Schedule set out herein."

36. Amend Section 384-a of said Substitute Bill by striking out the last paragraph of said Section.

37. Amend said Substitute Bill by adding at the end thereof Section 426 as follows: "Section 426. Nothing in this Act shall be construed to relieve any person from any tax liability, penalty or forfeiture incurred under laws existing before the effective dates of the provisions of this Act, and any provisions of any laws existing before the effective dates of the provisions of this Act, providing for the collection and enforcement of such tax liability, penalty or forfeiture shall, as to such tax liability, penalty or forfeiture, remain in full force and effect."

38. We further recommend that the Sections in the Bill be numbered in sequence beginning with one.

And as so amended, said Committee recommends that the Substitute Bill be passed.

Respectfully Submitted:
 S. S. FLETCHER
 J. M. BONNER
 D. HARDY RIDDLE
 Conferees for the Senate.
 Respectfully Submitted:
 W. C. HARRISON
 M. L. ROBERTSON
 R. T. GOODWYN, JR.
 Conferees for the House.

CONFERENCE REPORT

On motion of Mr. Fletcher, the Senate concurred in and adopted the foregoing report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 324. To provide for the general Revenue of the State of Alabama:

Yeas, 25; Nays, 6.

Yeas:

Messrs.:

Bonner
 Browder

Carlton
 Chesnut

Cook
 Fletcher

Glover
 Goldsmith

Kelly	Riddle	Thomas	Walton
Kuykendall	St. John	Thrower	Weaver
Mixon	Simpson	Tucker	Wellborn
Mooneyham	Stephens	Walden	Woodall
Parrish			
—25			
<i>Nays:</i>			
Messrs.:			
Dorsey	McDowell	Russell	Swift
Frazer	Rogers (Mobile)		
—6			

And said bill, as thus amended by the Conference Report, was again read a third time at length and passed.

Yeas, 26; Nays, 7.

<i>Yeas:</i>			
Messrs.:			
Bonner	Goldsmith	St. John	Tucker
Browder	Kelly	Simpson	Walden
Carlton	Kuykendall	Stephens	Walton
Chesnut	Mixon	Taylor	Weaver
Cook	Mooneyham	Thomas	Wellborn
Fletcher	Parrish	Thrower	Woodall
Glover	Riddle		
—26			
<i>Nays:</i>			
Messrs.:			
Dorsey	McDowell	Russell	Swift
Frazer	Rogers (Mobile)	Starnes	
—7			

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 208. For the relief of the Members of the Court of County Commissioners of Crenshaw County.

Also:

S. 234. To further provide for and regulate the selection, qualification and election of the members of the Board of Education of Marengo County.

Also:

S. 252. To amend Section 2341 of the Code of Alabama of 1923 and an amendment thereto, approved August 9, 1927, entitled "An Act to amend Section 2341 of the Code of Alabama of 1923".

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

RECESS

At 12:30 P. M., on motion of Mr. McDowell, the Senate took a recess until two O'clock this afternoon.

THIRTY-SECOND DAY—AFTERNOON SESSION

Wednesday, July 3rd, 1935.

The Senate re-assembled at 2 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Thrower
Carlton	Kuykendall	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn
Frazer	Riddle	Taylor	Woodall

—32

REPORTS OF COMMITTEES

Mr. Smipson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Walker (with amendment):

H. 731. To protect the rights of the public in all matters now pending, or which may hereafter arise involving any public utility; to provide for an appeal to the courts for, or on behalf of the public on all rulings, orders or decisions of the public service commission; to give each patron of any public utility all of the rights and privileges of any litigant now provided or which shall hereafter be provided by the constitution and laws of this State; to authorize the appointment by The Governor of a Peoples Public Service Attorney, and to prescribe his duties and fix his compensation.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxaton, reported that said committee, in session had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar; to-wit:

By Mr. Hendley:

H. 648. In relation to the educational system of Alabama to prescribe the duties of the State Department of Education, the organization of the State Department of Education, the expenses of the State Department of Education, the compensation of employees of the State Department of Education, and to amend the Code of Laws of the State of Alabama, known as the "Alabama School

Code" of 1927, adopted as the Code of Laws for the State of Alabama prepared in accordance with the provisions of the Act approved August 11, 1927, (S. 296 Mitchell), by the Act approved August 27, 1927, and which pertains to the system of public schools throughout the State, its organization and administration, as follows: "Amending Article III by repealing Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, pertaining to the creation of the State Department of Education, its organization, divisions, personnel, and duties, and amending Article IV by repealing Sections 62 and 63 pertaining to Expenses of the Department and to Compensation of Employees, and substituting therefor the provisions contained in this Act; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Denson:

H. 425. To create a State Toxicologist, to fix the duties and compensation of such toxicologist, and to make an appropriation to carry out the provisions of this act.

By Mr. Hendley:

H. 653. In relation to the educational system of Alabama to make an appropriation to provide funds for the purpose of paying salaries of public elementary and high school teachers for the remainder of the normal term during the year 1934-1935 in the several counties of the State, the cities under 5,000 population, and the State Secondary Agricultural Schools, where all local, State, and Federal funds available for that purpose have been exhausted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Goolsby:

H. 549. To regulate the issuance of warrants of arrest returnable to the Circuit Court or County Court of Escambia County, Alabama; and to provide that all such warrants of arrest issued by any Justice of the Peace or Notary Public having the jurisdiction of a Justice of the Peace in said County must bear the approval of the Circuit Solicitor or his deputy solicitor or the County Solicitor, after an investigation of the facts; and to provide penalties for making an arrest without a warrant bearing such approval.

With notice and proof thereto attached and herewith exhibited as follows:

PROOF OF PUBLICATION

STATE OF ALABAMA,
ESCAMBIA COUNTY.

I, W. E. Brooks, publisher of The Brewton Standard, a weekly newspaper published at Brewton, in said county and state, hereby state under oath that the annexed printed clipping was taken from one of the original issues of said publication and that the words and figures embraced therein appeared in said newspaper for four consecutive weeks on the following dates, to-wit:

April 18th, 1935; April 25th, 1935; May 2nd, 1935; May 9th, 1935.

W. E. BROOKS.

Sworn to and subscribed before me this 10th day of May, 1935.

VERA HUFF,
Notary Public.

(Seal)

NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama at its 1935 session for the passage of a Local Act to regulate the issuance of warrants of arrest returnable to the Circuit Court or County Court of Escambia County, Alabama; and to provide that all such warrants of arrest issued by any Justice of the Peace or Notary Public having the jurisdiction of a Justice of the Peace in said County must bear the approval of the Circuit Solicitor or his deputy solicitor or the county solicitor, after an investigation of the facts; and to provide penalties for making an arrest without a warrant bearing such approval; and to repeal all existing laws in conflict with the provisions of this proposed Act.

Also:

By Mr. Cox:

H. 612. To amend an Act Entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" approved April 11, 1933. (Local Acts 1933, No. 136, Senate Bill 203—Duncan).

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,
CHILTON COUNTY.

Before me, the undersigned Notary Public in and for said state and county, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published in said county, and that the attached "Notice Of Local Bill" was published in said newspaper for four consecutive issues, dated May 9, 1935; May 16, 1935; May 23, 1935; and May 30, 1935.

Billy Smith,
Publisher.

Sworn and subscribed to before me this the 30th day of May, 1935.

W. L. Smith,
Notary Public,

(Seal)

State of Alabama, Chilton County. My Commission expires Oct. 28, 1935

NOTICE OF LOCAL BILL

STATE OF ALABAMA,
CHILTON COUNTY.

Notice is hereby given that at the present session of the Legislature of Alabama there will be introduced a bill, seeking the enactment of a law, which bill will be in substance as follows, to-wit:

AN ACT

To amend an Act Entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" approved April 11, 1933. (Local acts 1933, No. 136, Senate Bill 203-Duncan):

Be it enacted by the Legislature of Alabama:

Section One: That Section Two of an Act of the Legislature of Alabama, entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" approved April 11, 1933, (Local Acts 1933, No. 136, Senate Bill 203-Duncan) be, and the same is hereby amended so as to read as follows: Section Two. That immediately after the passage of this Act, a special election shall be called by the Probate Judge of Chilton County, and held in Chilton County, Alabama, the expenses thereof to be paid out of the general funds of said County, for the purpose of electing a County Superintendent of Education for said County, by the qualified electors thereof, who shall assume the duties of his office July 1, 1933, and shall hold office until his successor is elected and qualified at the general election, to be held on the second Tuesday in November, 1934, at which time his successor in office shall be elected and shall hold office until July 1, 1939, or until his successor is elected in the general election to be held on the second Tuesday in November, 1938, and is qualified and thereafter the Superintendent is to be elected quadrennial, and shall hold office for a period of four years, unless removed for good cause, nominations for this office shall be made in the primary election as provided for the other County offices.

Section Two: That Section Three of said Act be, and the same is hereby amended so as to read as follows: Section Three. That the salary of the said Superintendent of Education shall be fixed by the County Board of Education of Chilton County, Alabama, which salary shall not be less than \$1,800.00 nor more than \$2,400.00 per annum, and in addition to said salary, the Board of Education of Chilton County, Alabama, be and hereby is authorized and empowered to pay the Superintendent of Education of Chilton County, Alabama, any expenses which have heretofore or may hereafter be incurred by him in the discharge of his duties as such Superintendent of Education of Chilton County, Alabama, in promoting and supervising the educational interest of Chilton County, Alabama, which salary and expenses shall be paid in the same way and manner as is now provided under the general laws of the State of Alabama for the payment of salaries and expenses of County Superintendents of Education in the several counties of said State.

C. B. Cox,

Member of House of Representatives from Chilton County, Ala.

Also:

By Mr. Goolsby:

H. 649. To abolish the fine and forfeiture fund of Escambia County, Alabama; to provide for the payment into the general

fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Escambia County shall, in the future, be paid out of the general fund of said County; to fix the priorities of said claims; to provide for the registration of same; to regulate the payment of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

With notice and proof thereto attached and herewith exhibited as follows:

PROOF OF PUBLICATION

State of Alabama, Escambia County:

I, W. E. Brooks, publisher of The Brewton Standard, a weekly newspaper published at Brewton, in said county and state, hereby state under oath that the annexed printed clipping was taken from one of the original issues of said publication and that the words and figures embraced therein appeared in said newspaper for four consecutive weeks on the following dates, to-wit: April 18th, 1935; April 25th, 1935; May 2nd, 1935; May 9th, 1935.

W. E. Brooks.

Sworn to and subscribed before me this 10th day of May, 1935.

(SEAL)

Vera Huff,
Notary Public.

NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama at its 1935 session for the passage of a Local Act to abolish the fine and forfeiture fund of Escambia County, Alabama; to provide for the payment into the general fund of said County of all monies which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Escambia County shall, in the future, be paid out of the general fund of said county; to fix the priority of the claims of said witnesses and make them preferred claims against the County with the same priority as is now provided by law for expenses of courts and claims of grand and petit jurors; to provide for the registration of same; to regulate the payment of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund; and to repeal all existing laws in conflict with the provisions of this proposed Act.

Also:

By Mr. Robertson (Cullman):

H. 721. To provide for the compulsory inspection by Federal and/or State Inspectors of all Strawberries offered for shipment in Cullman County, Alabama; to provide for the proper marking of crates and containers used for the transportation of Strawberries, and to provide penalties for the violation of the provisions of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

THE STATE OF ALABAMA, }
 CULLMAN COUNTY. }

Before me, Homer F. Mitchell, a Judge of Probate in and for said County and State, personally appeared J. C. Norwood, Publisher of The Cullman Tribune, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn says that the notice of which the attached is a true copy, was published in said newspaper, once a weey, for 4 successive weeks and being in the issues of said newspaper of the following dates, viz: April 4-11-18-25, 1935.

J. C. Norwood,
 Publisher.

Sworn to and subscribed before me this the 30 day of April, 1935.

Homer F. Mitchell,
 Judge of Probate.

A BILL TO BE ENTITLED AN ACT

To compel Federal and/or State Inspection for strawberries in Cullman County and to prescribe the marking of crates or containers, and to provide penalties for the violation of this act.

Be it Enacted by the Legislature of Alabama:

Section 1. That all strawberries packed in standard crates or containers as prescribed by the United States Department of Weights and Measures, intended for sale (retailing exempt) or trade in Cullman County or presented for shipment whether by Train, Truck or Trailer shall be inspected by Federal and/or State Inspectors and each crate or container shall have stamped thereon its respective grade such as "U. S. No. One", or "U. S. No. Two", or "Unclassified."

Section 2. Exemption to this act is given to such persons who haul their own strawberries grown on their own farm but such persons shall be required to mark or stamp in a conspicuous place on each crate or container, in dark colored letters not less than one inch in height the word "Ungraded" or the words, "Not Inspected."

Section 3. Any person violating any provision of this act shall be guilty of misdemeanor and upon conviction thereof shall be fined not less than Five (\$5.00) Dollars per crate nor more than Ten (\$10.00) Dollars per crate and may also be sentenced to imprisonment in the county jail for three months, one or both at the direction of the court.

Also:

By Mr. McPhaul:

H. 734. To make it a misdemeanor to pursue, catch, take or kill, or attempt to pursue, catch, take or kill or hunt any wild animal, bird or game by the use of or while using any head-light or lighted device or light of any kind, in Baldwin County, and to prescribe the punishment therefor.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that there will be introduced for passage in the Regular session of the Legislature of Alabama in the year 1935, the following bill in substance:

A BILL TO BE ENTITLED AN ACT

To make it a Misdemeanor to pursue, catch, take or kill, or attempt to pursue, catch, take or kill or hunt any wild animal, bird or game by the use of or while using any head-light or lighted device or light of any kind, in Baldwin County, and to prescribe the punishment therefor.

Be it Enacted by the Legislature of Alabama:

Section 1. Any person who shall pursue, catch, take or kill, or attempt to pursue, catch, take or kill, or who shall hunt any wild animal, bird or game by the use of or while using any head-light or lighted device or light of any kind, in Baldwin County, shall be guilty of a misdemeanor.

Section 2. Any person convicted of violating the provisions of Section 1 hereof shall be punished by fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) for each offense, and may also be sentenced for each offense to hard labor for the County for not more than thirty (30) days.

Section 3. Provided that any resident may pursue, catch, take, kill or attempt to pursue, catch, take, kill or hunt any wild animal, bird or game by the use of head-lights or lighted device, or light of any kind, within the curtilage of his home, enclosed field or enclosed pasture, when such animal, bird or game is or has been destroying, injuring or attempting to destroy, injure or annoy domestic animals or poultry, or is or has been destroying or injuring or attempting to destroy or injure any farm or garden crops or products.

Section 4. If any section, part of section, or provision of this Act shall be unconstitutional, it shall not affect the remainder of this Act not so unconstitutional, but each section, part of section or provision not so unconstitutional shall be and remain in full force and effect.

Section 5. This Act shall go into effect thirty (30) days after its approval.

Bay Minette, Ala.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

R. B. Vail, being duly sworn, deposes and says that he is the Publisher of The Baldwin Times, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of Bill to be Entitled an Act to Prevent Hunting With Headlight, was published in said Newspaper for 4 consecutive weeks in the following issues: Date of first publication, April 25, 1935, Vol. 46, No. 12. Date of second publication, May 2, 1935, Vol. 46, No. 13. Date of third publication, May 9, 1935, Vol. 46, No. 14. Date of fourth publication, May 16, 1935, Vol. 46, No. 15.

R. B. Vail,
Publisher.

Subscribed and sworn before the undersigned this 8 day of June, 1935.

(SEAL) Cly T. Smith,
Notary Public, Baldwin Co., Ala.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committee as follows:

House Bills 549, 612, 649, 721 and 734 to the Committee on Local Legislation.

RESOLUTION AND SPECIAL ORDERS

The Rules Committee reported the following Senate Resolution:

S. R. 73. BE IT RESOLVED BY THE SENATE, that consideration of the following bills of the calendar shall be the Special, Paramount and Continuing order of business for the afternoon session until all of said bills are disposed of by the Senate, i. e.:

H. 611, page 16.

H. 707, page 14.

H. 640, page 15.

H. 447, page 12.

H. 449, page 13.

H. 450, page 13.

H. 451, page 14.

H. 317, page 16.

And on motion of Mr. Bonner, said report was concurred in, the resolution adopted and said bills made Special, Paramount and Continuing orders for this afternoon in the order above named.

CONSIDERATION OF SPECIAL ORDERS

The Senate proceeded to consider the special orders for to-day, the first of which was The Bill:

S. 255. To provide for the construction and operation of a passenger elevator in the State Capitol of Alabama, and to make an appropriation therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 29, Nays, 1.

Yeas:

Messrs.:

Bonner	Goldsmith	Riddle	Thomas
Browder	Kelly	Rogers (Mobile)	Thrower
Carlton	Kuykendall	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Dorsey	Mooneyham	Simpson	Walton
Fletcher	McDowell	Starnes	Weaver
Frazer	Parrish	Taylor	Woodall
Glover			

Nay:—Mr. Wellborn.

The bill:

H. 611. To create a State Docks Commission; to provide that the State Docks known as the Mobile Port Docks shall be under the supervision and direction of the Docks Commission. To designate the number of members thereof and how the same should be appointed; the residence of the members; their terms of office and the filling of any vacancies therein. To describe their powers, authority and compensation. To further provide that the Governor of Alabama shall be a member of the Commission and ex-officio Chairman thereof. And to repeal any laws in conflict herewith.

Was taken up.

Mr. Rogers of Mobile offered the following amendment to said bill to-wit:

Amend H. 611 by adding immediately after section 2, section 2½ to read as follows:

Section 2½. The State Docks Commission shall have power to fix the compensation and salaries of all employees of the State Docks Commission, with the approval of the Governor, and shall do all things necessary in their judgment to promote the best interests of the State Docks.

Which was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Chesnut	Mixon	St. John	Tucker
Dorsey	McDowell	Simpson	Walden
Frazer	Parrish	Starnes	Walton
Glover	Riddle	Taylor	Weaver
Goldsmith	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—22

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 22; Nays, 6.

Yeas:

Messrs.:

Bonner	Goldsmith	St. John	Walden
Carlton	Kelly	Starnes	Walton
Chesnut	Kuykendall	Taylor	Weaver
Dorsey	Mixon	Thomas	Wellborn
Fletcher	Mooneyham	Thrower	Woodall
Glover	Riddle		

—22

Nays:

Messrs.:

Frazer	Rogers (Mobile)	Simpson	Tucker
McDowell	Russell		

—6

The bill:

H. 707. To authorize the Governor, by and with the advice of the State Superintendent of Education, to procure and furnish to the children in the public schools free adopted textbooks for the First, Second and Third grades, the condition of the Treasury permitting, and to make an appropriation of a sum sufficient to do so.

Was read a third time at length and passed.

Yeas, 19; Nays 9.

Yeas:

Messrs.:

Chesnut	Kuykendall	Starnes	Walton	
Fletcher	Mixon	Thomas	Weaver	
Glover	Riddle	Thrower	Wellborn	
Goldsmith	Rogers (Mobile)	Tucker	Woodall	
Kelly	St. John	Walden		—19

Nays:

Messrs.:

Bonner	Frazer	McDowell	Russell	
Carlton	Mooneyham	Parrish	Taylor	
Dorsey				—9

The bill:

H. 640. To authorize the creation and incorporation of an Authority to be known as the Alabama Industrial Authority for the purpose of relieving unemployment by sponsoring new industries in the State of Alabama by rendering financial and other assistance; defining its powers and duties; authorizing it to issue bonds and providing for the payment of such bonds.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Thrower	
Browder	Kelly	Russell	Tucker	
Carlton	Kuykendall	St. John	Walden	
Chesnut	Mixon	Simpson	Walton	
Dorsey	McDowell	Starnes	Weaver	
Fletcher	Parrish	Taylor	Wellborn	
Glover	Riddle	Thomas	Woodall	

—28

Nays:—None.

The bill:

H. 447. To amend an act of the Legislature of Alabama approved September 10th, 1927, Entitled 'An Act to Provide A Code of Laws Authorizing and Governing The Issuance, Sale, Regulation, Funding, Refunding, Paying, and Retiring of Bonds of The Counties and Municipal Corporations, and to Repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272,

2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and All Other Laws or Parts of Laws In Conflict With 'This Act', as heretofore amended, by amending sections 3, 6, 17, 51, 52, 56 and 61 thereof, and by adding thereto a new section designated Section 60-A, providing for the pledging of taxes and revenues, and maintaining of taxes and revenues so pledged, to the payment of principal of and interest on funding and refunding bonds issued under authority of said act as amended."

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thrower
Browder	Kelly	Russell	Walden
Carlton	Kuykendall	Simpson	Walton
Chesnut	Mixon	Starnes	Weaver
Dorsey	Mooneyham	Taylor	Wellborn
Fletcher	Parrish	Thomas	Woodall
Frazer	Riddle		

—26

Nays:—None.

The bill:

H. 449. To provide for the validation of bonds, certificates of indebtedness and time warrants which mature more than one year from their respective dates, and of bonds or certificates payable solely from revenues, before their issuance by counties, cities, towns, villages, districts, or other political subdivisions of the State, and to prescribe the procedure in the Circuit Courts and in the Supreme Court with respect thereto."

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Browder	Glover	Russell	Walden
Carlton	Kuykendall	Simpson	Walton
Chesnut	Mixon	Starnes	Weaver
Dorsey	Mooneyham	Taylor	Wellborn
Fletcher	Parrish	Thomas	Woodall
Frazer	Rogers (Mobile)		

—22

Nays:—None.

The bill:

H. 450. Authorizing the governing body of any county, city or town to exercise all powers necessary to carry out plans for re-financing its indebtedness, and to proceed under any Act of Con-

gress of the United States relating to the readjustment of municipal indebtedness, and assenting to the Act of Congress approved May 24, 1934, amending the National Bankruptcy Act."

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Walden
Chesnut	Mixon	St. John	Walton
Dorsey	Mooneyham	Simpson	Weaver
Fletcher	McDowell	Starnes	Wellborn
Frazer	Parrish	Taylor	Woodall
Glover			

—25

Nays:—None.

The bill:

H. 451. To authorize the governing body of any city or town to issue refunding interest-bearing certificates of indebtedness, refunding interest-bearing warrants, and refunding interest-bearing notes, for the purpose of funding or refunding outstanding certificates of indebtedness, warrants, or notes, of such city, or of refunding or discharging any judgment or judgments based upon such obligations, and to pledge to the payment thereof any taxes, licenses or revenues which the city may be authorized to pledge to the payment of bonded or other indebtedness.

Was taken up.

Mr. Rogers of Mobile offered the following substitute for said bill to-wit:

A BILL

To be Entitled an Act to authorize the governing body of any municipality to issue refunding interest-bearing certificates of indebtedness, refunding interest-bearing warrants, and refunding interest-bearing notes, for the purpose of funding or refunding the principal of and interest on outstanding certificates of indebtedness, warrants, or notes, of such municipality, or of refunding or discharging any judgment or judgments based upon such obligations, and to pledge to the payment thereof any taxes, licenses or revenues which the municipality may be authorized to pledge to the payment of bonded or other indebtedness.

Be it enacted by the Legislature of Alabama:

Section 1: The governing body of any municipality in this State is hereby authorized to issue, without an election, refunding interest-bearing certificates of indebtedness or refunding interest-bearing warrants or refunding interest-bearing notes maturing at such time or times as the governing body may determine, not ex-

ceeding thirty years from their respective dates, for the purpose of funding or refunding a like or greater amount of the principal of and interest on outstanding certificates of indebtedness or interest bearing warrants or notes of such municipality not exceeding the amount of such indebtedness whether the same are due at the time of such funding or refunding or at a later date, or for the purpose of refunding or discharging any judgment or judgments based upon such obligations, and the governing body of any such municipality may pledge to the payment of the principal of and interest on said refunding certificates of indebtedness or refunding interest bearing warrants, or refunding notes any tax, or license, or revenues which the municipality may then be authorized to pledge to the payment of bonded or other indebtedness.

Section 2: This Act shall be in full force and effect from and after its passage and approval.

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Thrower
Chesnut	Mixon	St. John	Walden
Dorsey	Mooneyham	Simpson	Walton
Fletcher	McDowell	Starnes	Weaver
Glover	Parrish	Taylor	Woodall

—24

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Thrower
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Glover	Parrish	Taylor	Woodall
Kelly	Rogers (Mobile)	Thomas	

—23

Nays:—None.

The bill:

H. 317. To provide for payment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other services incident to the feeding of prisoners, not including the food to be served to prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923.

Was taken up.

Mr. Woodall offered the following amendment to said bill to-wit:

Amend House Bill No. 317 by adding Section 1½.

Section 1½: That in all counties where there are two or more jails the report of prisoners in said jails shall be made upon the number of prisoners confined, but the Sheriff shall be only paid as if all of said prisoners were confined in one jail.

And on motion of Mr. Simpson said amendment was laid on the table.

Mr. Woodall also offered the following amendment to said bill to-wit:

Amend Section one of House Bill 317:

Amend Section one of said bill by substituting the words and figures "twenty one (21)" in lieu of the words and figures "twenty five (25)" where they appear together in said Section.

Which was adopted.

Yeas, 21; Nays, 8.

Yeas:

Messrs.:

Browder
Carlton
Chesnut
Glover
Goldsmith
Kelly

Kuykendall
Mixon
McDowell
Parrish
Riddle

Russell
St. John
Taylor
Thomas
Thrower

Tucker
Walden
Walton
Weaver
Woodall

—21

Nays:

Messrs.:

Bonner
Dorsey

Fletcher
Frazer

Rogers (Mobile)
Simpson

Starnes
Wellborn

—8

Mr. Thrower moved that the vote by which amendment number one of Mr. Woodall was laid on the table be reconsidered, which motion prevailed and said vote was reconsidered.

Yeas, 20; Nays, 6.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Glover

Goldsmith
Kelly
Kuykendall
Mixon
Mooneyham

Parrish
Russell
St. John
Stephens
Thomas

Thrower
Walden
Walton
Weaver
Woodall

—20

Nays:

Messrs.:

Dorsey
Frazer

Rogers (Mobile)
Simpson

Starnes

Wellborn

—6

And the amendment number one of Mr. Woodall set out above was then adopted.

Yeas, 22; Nays, 8.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thrower	
Browder	Kuykendall	St. John	Tucker	
Carlton	Mixon	Stephens	Walden	
Chesnut	Mooneyham	Taylor	Walton	
Glover	McDowell	Thomas	Woodall	
Goldsmith	Parrish			—22

Nays:

Messrs.:

Dorsey	Frazer	Simpson	Weaver	
Fletcher	Rogers (Mobile)	Starnes	Wellborn	—8

Mr. Rogers of Mobile moved that said bill as amended be re-committed to the committee on Finance and Taxation.

Mr. Kelly moved to table the motion to recommit, which motion prevailed and said motion was tabled.

Yeas, 17; Nays, 13.

Yeas:

Messrs.:

Browder	Kelly	Riddle	Thrower	
Carlton	Kuykendall	St. John	Walden	
Chesnut	Mixon	Stephens	Walton	
Glover	Parrish	Thomas	Woodall	
Goldsmith				—17

Nays:

Messrs.:

Bonner	Rogers (Mobile)	Starnes	Tucker	
Dorsey	Russell	Swift	Weaver	
Fletcher	Simpson	Taylor	Wellborn	
Mooneyham				—13

PAIR ANNOUNCED

Mr. McDowell announced that he and Mr. Frazer were paired on this vote; that Mr. Frazer, if present, would vote "no", and he, Mr. McDowell, would vote "aye."

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 19; Nays, 12.

Yeas:

Messrs.:

Browder	Goldsmith	Riddle	Walden	
Carlton	Kelly	St. John	Walton	
Chesnut	Kuykendall	Stephens	Weaver	
Cook	Mixon	Thomas	Woodall	
Glover	Parrish	Thrower		—19

Nays:**Messrs.:**Bonner
Dorsey
FletcherMooneyham
Rogers (Mobile)
RussellSimpson
Starnes
SwiftTaylor
Tucker
Wellborn

—12

PAIR ANNOUNCED

Mr. McDowell announced that he and Mr. Frazer were paired on this vote; that Mr. Frazer, if present, would vote "no", and he, Mr. McDowell, would vote "aye."

PROTEST

Mr. Simpson gave the following protest in writing:

"As a member of the Senate, I raise the point that House Bill No. 317 was not referred to the Committee on Finance and Taxation as required by the rules of the Senate.

"I therefore protest the further consideration of this bill until it has been properly referred.

J. A. Simpson,
Senator 13th Sen. Dist."

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 174. To provide for safety on the roads and highways of the State of Alabama, and to require every person using, operating, or driving a motor vehicle over the roads and highways of the State of Alabama to bring said motor vehicle to a complete stop before passing a school bus or other vehicle used to transport school children while such school bus, or other vehicle, is engaged in taking on or discharging school children, and to prescribe penalty for violation of said Act.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

RESOLUTION

The Rules Committee reported the following joint resolution:

S. J. R. 74. BE IT RESOLVED by the Senate, the House Concurring, that when the two Houses adjourn to-day, they adjourn to meet again Wednesday, July 10th, 1935, at twelve o'clock noon.

BE IT FURTHER RESOLVED that the clerical forces of the two Houses remain the same as when the Two houses are in session.

BE IT FURTHER RESOLVED that the per diem of the members of the two Houses shall be paid during the period of this recess, but no mileage shall be allowed to any member.

And on motion of Mr. Riddle the resolution was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of Committee of Conference on the disagreement of the two Houses on the Senate Amendment to the bill:

H. 324. To provide for the general revenue of the State of Alabama.

And said bill, as thus amended by the report of the Conference Committee, was again read a third time at length and passed by the House.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 224. To amend Section 10313 of the 1923 Code of Alabama.

Also:

H. 228. To amend Section 3427 of the Code of Alabama, 1923.

Also:

H. 291. To amend Section 6824 of the 1923 Code of Alabama.

Also:

H. 319. To amend Section 462 of the Code of Alabama of 1923.

Also:

H. 584. To amend an Act entitled an Act, "To amend Section 4 of an Act entitled: An Act to provide for the consolidation of the administration and control of the public school system in any county of not less than seventy five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority, approved March 5, 1931, Approved July 8, 1931.

Also:

H. 647. To create a Purchasing Agency for St. Clair County, Alabama, to be composed of the Probate Judge of said County and one member of the County Commissioners of that County whose duties shall be to purchase books, stationery, blanks, machinery, supplies, materials, appliances and equipment for the several County offices, jails, court houses, almshouses, public roads

and bridges of said county, and to define the powers and duties of said Purchasing Agency.

Also:

H. 609. To appropriate funds for the payment to the persons to whom originally due, their heirs, executors or administrators, of unpaid costs and fees of jurors, officers and witnesses which are legal charges against any county fund, accrued, or which will accrue, in the prosecution of the criminal cases now pending against Haywood Patterson, Eugene Williams, Charlie Weems, Roy Wright, Ozie Powell, Willie Roberson, Andy Wright, Olen Montgomery and Clarence Norris; to provide the manner of the payment of such costs and fees; and to provide penalties for the disbursement of any funds hereby appropriated for any purpose or in any manner not authorized hereby.

Whereas the extended litigation of the cases involving the persons named in the title to this Act, has resulted in unprecedented expense to the counties in which said cases are being prosecuted; and whereas the payment of such costs and fees in said cases by the said counties or from the several funds thereof will be unusually burdensome to the said counties and to the several funds thereof.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 208. For the relief of the Members of the Court of County Commissioners of Crenshaw County.

S. 234. To further provide for and regulate the selection, qualification and election of the members of the Board of Education of Marengo County.

S. 252. To amend Section 2341 of the Code of Alabama of 1923 and an amendment thereto, approved August 9, 1927, entitled "An Act to amend Section 2341 of the Code of Alabama of 1923."

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Dominick:

H. 506. To amend Section 9257 of the Code of Alabama of 1923, regarding printing and publication of legal advertisements.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 506, to the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Resolution:

S. J. R. 74. Relative to adjournment of the two Houses until Wednesday, July 10th, 1935, at twelve o'clock noon.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the thirty-second Legislative

day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut, Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the thirty-second Legislative day approved by the Senate.

ADJOURNMENT

At 5:45 P. M., on motion of Mr. Kelly in pursuant to joint resolution heretofore adopted, the Senate adjourned until Wednesday, July 10th, 1935, at twelve M.

THIRTY-THIRD DAY

Wednesday, July 10th, 1935.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Senator Chesnut of Cherokee County.

ROLL CALL

Present:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Thrower
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Swift	Wellborn
Frazer	Parrish	Taylor	Woodall
Glover	Riddle		

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JOURNAL

On motion of Mr. Kelly the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kelly:

S. 308. To provide for the expenditure of funds now or hereafter made available for the conduct of public health work in this State; to provide for the election and compensation of the State Health Officer and to fix his term of office and to provide for the manner of determining compensation of employees of the State Health Department.

Committee on Public Health.

By Mr. Goldsmith:

S. 309. To fix the compensation of all the Circuit Solicitors in the State of Alabama; to provide the manner in which such salaries shall be paid.

Committee on Finance and Taxation.

By Mr. Mooneyham:

S. 310. To authorize the Judge presiding at the trial of any criminal case in Alabama to fix the time within which bills of exception may be presented.

Committee on Judiciary.

By Mr. Mooneyham:

S. 311. To permit the Solicitor, or other prosecuting officer, with the consent of the Court, and before judgment, to amend any indictment in matter of form where, in the judgment of the Court, the Defendant will not be prejudiced in his defense on the merits.

Committee on Judiciary.

By Mr. Mooneyham:

S. 312. To deny the right of appeal from a judgment of conviction in the Circuit Court in all cases where the Defendant entered a pleas of guilty and the sentence imposed is within the limits prescribed by law.

Committee on Constitution and Constitutional
Revision and Amendments.

By Mr. Mooneyham:

S. 313. To provide that the defense of an alibi must be specially pleaded, and to prescribe the form of such plea and the time of its filing.

Committee on Judiciary.

By Mr. Mooneyham:

S. 314. To provide that it shall be discretionary with the trial Court, except in capital cases, to require two or more Defendants jointly indicated to be tried jointly or separately.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate

with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Weaver (with amendment):

S. 85. To provide for the relief of Hubert B. Sims, and to make an appropriation therefor.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 195. To amend Section 1601, 1602, 1605, 1606, 1607, 1609, 1610, 1611, 1612, 1616, 1617, 1622, 1623, 1624, 1928, 1631, 1634, 1636, 1637, 1638, 1640, 1642, 1644, 1645, 1647, 1648, 1650, 1652, 1653, 1654, 1655, 1657, 1658, 1659, 1660, 1662, 1664, 1667, 1668, 1670, 1680, 1682, 1683, 1692, 1693, 1698, 1701, 1702, 1703, 1710, 1716, 1719, and 1724, of the Code of Alabama, 1923, relating to the regulation of coal mining in this State.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate Amendment to the following House bill:

H. 611. To create a State Docks Commission; to provide that the State Docks known as the Mobile Port Docks shall be under the supervision and direction of the Docks Commission. To designate the number of members thereof and how the same should be appointed; the residence of the members; their terms of office and the filling of any vacancies therein. To describe their powers, authority and compensation. To further provide that the Governor of Alabama shall be a member of the Commission and ex officio Chairman thereof. And to repeal any laws in conflict herewith.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 451. To authorize the governing body of any municipality to issue refunding interest-bearing certificates of indebtedness, refunding interest-bearing warrants, and refunding interest-bearing notes, for the purpose of funding or refunding the principal of and interest on outstanding certificates of indebtedness, warrants,

or notes of such municipality, or of refunding or discharging any judgment or judgments based upon such obligations, and to pledge to the payment thereof any taxes, licenses or revenues which the municipality may be authorized to pledge to the payment of bonded or other indebtedness.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 174. To provide for safety on the roads and highways of the State of Alabama, and to require every person using, operating, or driving a motor vehicle over the roads and highways of the State of Alabama to bring said motor vehicle to a complete stop before passing a school bus or other vehicle used to transport school children while such school bus, or other vehicle, is engaged in taking on or discharging school children, and to prescribe penalty for violation of said Act.

S. 195. To amend Sections 1601, 1602, 1605, 1606, 1607, 1609, 1610, 1611, 1612, 1616, 1617, 1622, 1623, 1624, 1628, 1631, 1634, 1636, 1637, 1638, 1640, 1642, 1644, 1645, 1647, 1648, 1650, 1652, 1653, 1654, 1655, 1657, 1658, 1659, 1660, 1662, 1664, 1667, 1668, 1670, 1680, 1682, 1683, 1692, 1693, 1698, 1701, 1702, 1703, 1710, 1716, 1719, and 1724, of the Code of Alabama, 1923, relating to the regulation of coal mining in this State.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 447. To amend an act of the Legislature of Alabama approved September 10th, 1927, Entitled 'An Act to Provide a Code of Laws Authorizing and Governing The Issuance, Sale, Regulation, Funding, Refunding, Paying, and Retiring of Bonds of The Counties and Municipal Corporations, and to Repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261,, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and All Other Laws or Parts of Laws in Conflict With This Act', as heretofore amended, by amending sections 3, 6, 17, 51, 52, 56 and 61 thereof, and by adding thereto a new section designated Section 60-A, providing for the pledging of taxes and revenues, and maintaining of taxes and revenues so pledged, to the payment of principal of and interest on funding and refunding bonds issued under authority of said act as amended."

Also:

H. 449. To provide for the validation of bonds, certificates of indebtedness and time warrants which mature more than one year from their respective dates, and of bonds or certificates payable solely from revenues, before their issuance by counties, cities, towns, villages, districts, or other political subdivisions of the State, and to prescribe the procedure in the Circuit Courts and in the Supreme Court with respect thereto."

Also:

H. 450. Authorizing the governing body of any county, city or town to exercise all powers necessary to carry out plans for refinancing its indebtedness, and to proceed under any Act of the Congress of the United States relating to the readjustment of municipal indebtedness, and assenting to the Act of Congress approved May 24, 1934, amending the National Bankruptcy Act."

Also:

H. 451. To authorize the governing body of any municipality to issue refunding interest-bearing certificates of indebtedness, refunding interest-bearing warrants, and refunding interest-bearing notes, for the purpose of funding or refunding the principal of an interest on outstanding certificates of indebtedness, warrants, or notes, of such municipality, or of refunding or discharging any judgment or judgments based upon such obligations, and to pledge to the payment thereof any taxes, licenses or revenues which the municipality may be authorized to pledge to the payment of bonded or other indebtedness.

Also:

H. 611. To create a State Docks Commission; to provide that the State Docks known as the Mobile Port Docks shall be under the supervision and direction of the Docks Commission. To designate the number of members thereof and how the same should be appointed; the residence of the members; their terms of office and the filling of any vacancies therein. To describe their powers, authority and compensation. To further provide that the Governor of Alabama shall be a member of the Commission and ex officio Chairman thereof. And to repeal any laws in conflict herewith.

Also:

H. 640. To authorize the creation and incorporation of an Authority to be known as the Alabama Industrial Authority for the purpose of relieving unemployment by sponsoring new industries in the State of Alabama by rendering financial and other assistance; defining its powers and duties; authorizing it to issue bonds and providing for the payment of such bonds.

Also:

H. 707. To authorize the Governor, by and with the advice of the State Superintendent of Education, to procure and furnish to the children in the public schools free adopted textbooks for the First, Second and Third grades, the condition of the Treasury permitting, and to make an appropriation of a sum sufficient to do so.

Also:

H. 324. To provide for the general revenue of the State of Alabama.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the forgoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Calhoun:

H. 317. To provide for payment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other services incident to the feed-

ing of prisoners, not including the food to be served to prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923.

E. F. Taylor,
Clerk.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report to-wit:

S. R. 75. BE IT RESOLVED BY THE SENATE as follows:

When the Senate takes up the regular calendar for the day, it first gives consideration to local bills and after completion of consideration of all local bills on the calendar, the Senate shall consider the following bills as a Special, Paramount, and Continuous order of business of the Senate until all of said bills are disposed of, ie:

First Special Order, House Bill 255, Page 1.

Second Special Order, House Bill 653, Page 27.

Third Special Order, House Bill 569, Page 25.

Fourth Special Order, House Bill 731, Page 25.

Fifth Special Order, House Bill 648, Page 26.

Sixth Special Order, House Bill 275, Page 23.

Seventh Special Order, House Bill 276, Page 24.

Eighth Special Order, House Bill 277, Page 23.

Ninth Special Order, House Bill 278, Page 22.

Tenth Special Order, House Bill 425, Page 27.

Eleventh Special Order, House Bill 728, Page 12.

Twelfth Special Order, Senate Bill 188, Page 7.

And on motion of Mr. Riddle said report was concurred in, the resolution adopted and said bills made Special, Paramount and Continuous orders in the order above named until all of said bills are disposed of.

BILLS ON THIRD READING

The bill:

H. 636. To provide for and regulate the assessment, levy and collection of Municipal taxes of the City of Auburn, in Lee County, Alabama, and to define the duties of State, County and Municipal offices and officers in regard thereto, and to fix the tax year for the said City of Auburn, and to make the Tax Collector of Lee County, Alabama ex-officio collector of property taxes for said City of Auburn.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Thrower
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 728. To provide that, in all counties in the State of Alabama now having or which may hereafter have a population of not less than ninety thousand and not more than one hundred and five thousand, according to the last Federal Census or in accordance with any future Federal Census, fees may be paid by the county to attorneys appointed by the Circuit Judge or Judges of such counties, to represent and defend persons who have been indicted by the grand jury of such counties for the commission of a crime, the maximum penalty for which, under the law, is death, where such indicted persons are without counsel and unable to employ counsel, and to fix the amount of such fees, and the mode of payment.

Was taken up.

Mr. Mooneyham offered the following substitute for said bill to-wit:

Substitute for House Bill No. 728.

A BILL

To be entitled An Act to provide that, fees may be paid by the county to attorneys appointed by the Circuit Judge or Judges of such counties, to represent and defend persons who have been indicted by the grand jury of such counties for the commission of a crime, the maximum penalty for which, under the law, is death, where such indicted persons are without counsel and unable to employ counsel, and to fix the amount of such fees, and the mode of payment.

Be it enacted by the Legislature of Alabama:

1. That attorneys appointed by the Judge or Judges of the Circuit Court shall be paid a fee for defending persons indicted for a crime, the maximum penalty for which, under the law, is death, where such indicted persons are without counsel and unable to employ counsel. The amount of the fee in each case shall be fixed by the presiding Judge of the Circuit, but shall not be less than Twenty Five Dollars (\$25.00) nor more than Fifty Dollars, (\$50.00). And the Judge presiding in the case shall certify to the Board of Revenue, or other governing body of the County,

that the Attorney or Attorneys appointed by the Court in the Case of State of Alabama versus_____ (name of defendant) has or have performed the services required of him or them in representing the said defendant, and that the fee therefor has been fixed in the sum of \$_____ (designating the amount of the fee). And thereupon a warrant shall be drawn in favor of the said attorney or attorneys upon the general funds of the county in payment thereof.

2. The provision of this Act shall apply to all cases disposed of subsequent to its passage and approval by the Governor.

3. All laws or parts of laws in conflict with this Act be, and the same are, repealed.

4. If any section, subsection, sentence, clause, phrase or requirement of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, phrase, and requirement thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or requirements be declared unconstitutional.

5. This Act shall take effect immediately upon its passage and Approval by the Governor.

On motion of Mr. Taylor, said substitute was laid on the table.

Yeas, 16; Nays, 10.

Yeas:

Messrs.:

Chesnut

Cook

Dorsey

Frazer

Glover

Kelly

Russell

St. John

Stephens

Swift

Taylor

Thomas

Thrower

Walden

Walton

Wellborn

—16

Nays:

Messrs.:

Browder

Carlton

Goldsmith

Kuykendall

Locke

Mixon

Riddle

Simpson

Tucker

Weaver

—10

On motion of Mr. Mooneyham, said bill was then indefinitely postponed.

The bill:

H. 710. To repeal An Act entitled: "An Act to require twenty-five per cent of the total funds received by Marion County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels, to be used for the purpose of establishing a sinking fund for the retirement of the \$100,000.00 in bonds of said county, issued for the purpose of constructing public roads in said county authorized by an election held on the first day of Novem-

ber, 1913; requiring the county treasurer of said county to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof, with said funds; providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels, shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect," approved March 9, 1933. And to provide that any funds on hand which have accumulated under the provisions of the said Act so repealed shall be used by the Commissioners Court of said county in accordance with the provisions of the general laws of Alabama, under which said funds were levied and collected by the State, or for the purpose of matching Federal funds for road purposes.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Thrower
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 656. To provide for the payment of certain claims for fees and court cost now outstanding and registered against the Fine and Forfeiture Fund of Elmore County, Alabama, in favor of the Clerk of the Circuit Court and Clerk of the County Court, or court of like jurisdiction, and making all such claims accruing hereafter payable out of the General Funds of said county, and authorizing and empowering the Court of County Commissioners to pay said claims out of the General Funds of said County.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Thrower
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 715. To pay or re-imburse J. F. Anderson the sum of One Hundred Dollars for his Ex-Officio Fees as Clerk of the Inferior Court of Randolph County, Alabama, the said J. F. Anderson having acted as such Clerk under the Ruling of the Attorney General of Alabama holding that the Act abolishing the Inferior Court of Randolph County, Alabama and approved on February 5, 1935 was unconstitutional and void. Said sum of \$100.00 as Ex-Officio fees or services to be paid out of the general funds of Randolph County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Thrower
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 638. To authorize and empower the Board of Revenue of Morgan County, Alabama, to pay to Sam P. Lile the sum of \$175.25, the value of a barn which was destroyed by fire on account of the negligence of employees of Morgan County, Alabama, who were burning brush, clearing the right of way for a road.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Thrower
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

• The bill:

H. 639. To provide for the appointment of an official court reporter by the Judge of the Morgan County Court of Morgan County, Alabama; to fix the compensation, define his duties, and provide for a special reporter in certain cases.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Thrower
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 642. To provide for the regulation and purchasing of supplies for which Tallapoosa County, Alabama is liable for the County officials, the County officers and every department of the County including supplies, books, materials, office equipment, printing and printed matter needed and used in and by the various offices of said County, the officers thereof, the jail and almshouse and to provide for the appointment or election of a purchasing committee to be intrusted with the duty and responsibility of making and authorizing such purpose and to provide that such supplies, books, materials, office equipment, printing and printed matter and other supplies be bought through competitive bids. To provide for the purchasing of all equipment such as machinery, mules, horses, tools and other supplies or equipment to be used for and in connection with all road work either construction, maintenance or repair of roads in Tallapoosa County, Alabama. To define the powers and duties of the purchasing committee herein created.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Thrower
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

The bill:

S. 306. To amend Section 7 of an Act entitled, "An Act to provide for a special Election to be held in Lowndes County, Alabama, to determine whether the County Superintendent of Education shall be elected by the qualified voters of Lowndes County, to further provide for the time and manner of his election, and to fix

his term of office and salary; and to prescribe his qualifications," approved March 10, 1931.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Thrower
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 711. For the relief of William H. McCaulley by the payment by the County and City of Mobile to him of the reasonable value of the use of an automobile and gasoline and oil therefor used by him while in the discharge of his duties as Probation Officer of the Juvenile Court of Mobile County, from February 1, 1934 to April 30, 1935, both inclusive.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Thrower
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

The bill:

S. 304. To require 25% of the total funds received by St. Clair County, Alabama, from the levy and collection by the State of Alabama of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the principal of all bonds issued against the road and bridge funds of St. Clair County, which bonds were issued for the purpose of constructing public roads and bridges in said county; requiring the County Treasurer or like official or depository of said county to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof with said funds

for said purpose, providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama, and to provide the time when this act shall take effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Thrower
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 619. To allow the Sheriff of Etowah County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Etowah County in monthly installments.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Thrower
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 616. To authorize the Commissioners Court of Elmore County, Alabama, to make provision for paying off, refunding or redeeming all or any part of outstanding legal bonds of said county before their due dates, where same may be effected by agreement with the holder thereof, at such time or times as said court may deem advisable, at a premium of not exceeding three per centum above par, if necessary or advisable in the opinion of said court, said premium to be in addition to the accrued interest thereon, and to authorize said court to effect said redemption or payment by paying cash or by issuance and sale of refunding warrants

against the general fund, pledging the general fund of the county for the payment thereof, said warrants to bear interest at a rate not exceeding four per centum per annum, maturing in such amounts and at such times as said court may determine, none of such warrants to mature beyond the due date of the bonds to be so redeemed, refunded or paid off and to provide that interest thereon shall be paid semi-annually and shall be evidenced by coupons attached to said warrants, and to provide further that the total amount of warrants so issued shall not exceed the face value of bonds so redeemed or paid off together with accrued interest and said premium.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Thrower
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 615. To repeal an Act entitled "An Act to provide for and regulate the pay of state witnesses before the County Court of Elmore County, Alabama, out of the general fund of said county", approved July 17th, 1931, Local Acts of Alabama, 1931, page 199.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Thrower
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 617. To provide compensation for the Sheriff of Elmore County, Alabama, for patrolling the Lakes and policing dance halls and fishing camps of said county and for performing other public services required of him for which no compensation is allowed, and authorizing said sheriff to appoint one deputy, fix his

tenué of office, prescribed his duties fix his compensation, and to authorize and prescribe their duties, fix their compensation, and to authorize the Court of County Commissioners of said county, at their discretion to pay the compensations of said sheriff and deputy by warrants drawn on the treasurer and paid out of the general funds of said county, and to require said deputy to give bonds payable to the said sheriff conditioned as required by Section 2595, Code of Alabama, 1923.

Was taken up.

Mr. Woodall offered the following amendment to said bill to-wit:

Amend House 617 as follows:

Amend Section 1 by adding immediately after the words "That the Sheriff of Elmore County, Alabama" where they appear together therein the following words "at the discretion of the Court of County Commissioners of Elmore County."

Amend Section 3 by adding immediately after the words "shall receive as compensation" where they appear together therein the following words "at the discretion of the Court of County Commissioners of Elmore County."

Amend Section 4 thereof by adding immediately after the words "That the Court of County Commissioners of said Elmore County, Alabama" where they appear together therein, the following words "at its or their discretion."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Thrower
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Glover	Mooneyham	St. John
Carlton	Goldsmith	McDowell	Simpson
Cook	Kelly	Riddle	Starnes
Dorsey	Kuykendall	Rogers (Mobile)	Stephens
Fletcher	Mixon	Russell	Swift

Thomas
Thrower

Tucker
Walton

Weaver

Woodall

—26

Nays:—None.

CALENDAR BILL, RE-REFERRED

On motion of Mr. Mooneyham, the bill:

H. 483. To create in all Counties of the State of Alabama, which have now not less than seventy-five thousand and not more than one hundred thousand inhabitants, according to the last Federal Census and which may hereafter have such population according to any Federal Census hereafter taken, the office of Delinquent Officer of the Juvenile and Domestic Relations Court, or Courts of like jurisdiction in such Counties; to prescribe his duties and the method of his appointment; to fix his term of office; to fix his compensation and to prescribe the method of payment thereof; to fix amount of his bond and to determine his authority.

Was taken from today's calendar and re-referred by the President of the Senate to the Standing Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 81. To provide for the leasing to the State Highway Department of the State of Alabama by the Alabama State Bridge Corporation of all bridges and other property now owned by the Alabama State Bridge Corporation, and to provide for the leasing of said bridges by the Highway Department of the State of Alabama; to provide the method and manner of the execution of said lease, and for the use of said property and to make an appropriation therefor.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Starnes, the Senate concurred in the following amendment by the House to S. 81, the title of which is set out in the foregoing message from the House to-wit:

Coleman substitute for Senate Bill No. 81, By Mr. Starnes:

A BILL

To be entitled An Act to provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with

the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purposes of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years.

Be it enacted by the Legislature of Alabama:

Section 1. The State Highway Department is hereby authorized, directed and empowered to lease, buy, condemn, otherwise acquire, and/or free any and all toll bridges within the State of Alabama, by and with the approval of the Governor.

Section 2. The said State Highway Department may lease from the Alabama State Bridge Corporation all the toll bridges and property in the State of Alabama on such terms and conditions as may be mutually agreed upon by and between the said State Highway Department, with the approval of the Governor, and the Alabama State Bridge Corporation and also the bridge spanning the Tallapoosa River on the Wares Ferry Road, known as the Seth Johnson Bridge. In the event said lease is consummated by and between the State Highway Department and the Alabama State Bridge Corporation for the lease of the bridges and properties owned by it, then and in that event the lease shall specify that the State Highway Department shall at all times keep repaired and in good condition each and every bridge and other property so leased as a part of the Public Highway System of the State of Alabama, without expense to the Alabama State Bridge Corporation, and shall also contain the provision that in case of destruction of any of such properties or bridges during the term of said lease the State Highway Department shall construct such properties or bridges as are destroyed and this in addition to any annual rental provided for in said lease. Said lease shall also provide that said property shall be used without the collection of tolls or charges from the public for the use of said property and bridges.

Section 3. That the said State Highway Department, by and with the consent of the Governor, may buy any and all toll bridges within the State of Alabama upon such terms and on such conditions as may be mutually agreed upon by and between the parties to said contract or purchase, and when said bridges are bought they shall be free bridges and a part of the Public Highway System of the State of Alabama without charge or fee.

Section 4. The State Highway Department is authorized, empowered and directed to take such other methods, means or man-

ner of acquiring all the toll bridges within the State of Alabama, and rendering the same free and a part of the Public Highway System of the State of Alabama, and to this end the State Highway Department is hereby authorized and empowered, with the approval of the Governor, to make, enter into, and execute any and all contracts or agreements necessary for the accomplishment of the purposes of this Act.

Section 5. In the event that the said State Highway Department is not able to lease, buy or otherwise acquire for the purpose of freeing any or all of the toll bridges within the State of Alabama, then and in that event the State Highway Department is hereby authorized, empowered and directed to condemn any and all toll bridges within the State of Alabama, and to this end to exercise all and singular the lawful and constitutional rights of the State or any public corporation by proper proceeding in any court of law in the State of Alabama having jurisdiction thereof the right of eminent domain in condemning and freeing any or all the toll bridges within the State of Alabama.

Section 6. To carry out the purposes of this Act the State Highway Department, with the approval of the Governor, is hereby authorized, empowered and directed to set aside and pledge from its revenues a sum not to exceed the amount of \$300,000.00 annually therefor, for a period of not exceeding thirty years.

Section 7. The powers given herein to lease, buy, condemn, otherwise acquire, and/or free any and all toll bridges in the State of Alabama, shall not be exercised, so far as the bridges now belonging to the Alabama State Bridge Corporation, until the bonds now outstanding against said bridges shall have been refunded at a rate of interest not to exceed 4%.

Section 8. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Thrower
Browder	Locke	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Chesnut	Parrish	Stephens	Walton
Cook	Riddle	Swift	Weaver
Dorsey	Rogers (Mobile)	Taylor	Wellborn
Glover	Russell	Thomas	Woodall
Kelly			

Nays:—None.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 28; Nays, 1.

Yeas:

Messrs.:

Browder	Kuykendall	St. John	Thrower
Carlton	Locke	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walden
Cook	Parrish	Stephens	Walton
Dorsey	Riddle	Swift	Weaver
Glover	Rogers (Mobile)	Taylor	Wellborn
Kelly	Russell	Thomas	Woodall

—28

Nay: Mr. Bonner.

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. Goodwyn:

H. 584. To amend an Act entitled an Act, "To amend Section 4 of an Act entitled: An Act to provide for the consolidation of the administration and control of the public school system in any county of not less than seventy five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority, approved March 5, 1931. Approved July 8, 1931.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama

Gentlemen:

I am herewith returning to you, the House in which it originated, House Bill No. 584 without my approval.

I suggest the following Executive Amendment to said Bill, which if adopted will clarify the Bill and meet the objections thereto:

Strike from Section 1 thereof the word "of" where it occurs between the words "into by" and the words "the existing Boards."

Further amend said Bill in Section 1 thereof by striking out the word "are" as it appears in next to the last line in said bill between the words "settlements" and the word "heretofore."

Further amend said Bill by adding at the end of said Act the following: "The Board is authorized to keep insured against loss by fire or other casualty, all or any of its school buildings or other improvements. For that purpose, as well as for the purpose of paying any indebtedness heretofore

incurred for carrying such insurance, and also for the purpose of meeting current expenses, the Board may borrow money on the credit of the school fund, when the current funds on hand are insufficient, and as security for any such loan, or loans, may pledge all current school revenues for the current school year. All such loans shall be payable not later than April 1st next after the end of the current school year in which such loan or loans, are made, and from the funds for the support of the schools accruing within the current tax year in which the loan is procured, or from any other available fund. The amount so borrowed shall at no time exceed one-third of the sum paid out for current expenses during the preceding school year. To obtain such loan or loans, the Board is authorized to issue its interest bearing warrant or warrants, or its negotiable note or notes, and, if necessary, it is authorized to have any such warrant or note discounted at not exceeding the legal rate of interest.

"Section 2: All laws and parts of laws in conflict with the provisions of this Act shall be, and the same are, hereby repealed.

"Section 3: The provisions of this Act shall become effective on its approval by the Governor."

Respectively,
(Signed) Bibb Graves,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said Bill H. 584, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 66; Nays, 0.

And said bill, H. 584, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 66; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Mooneyham, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 584, the title of which and said proposed amendment, is set out in the foregoing Message from the House.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Thrower
Carlton	Locke	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walden
Cook	Parrish	Stephens	Walton
Dorsey	Riddle	Swift	Weaver
Glover	Rogers (Mobile)	Taylor	Woodall
Goldsmith			

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended, by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Thrower
Carlton	Locke	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walden
Cook	Parrish	Stephens	Walton
Dorsey	Riddle	Swift	Weaver
Glover	Rogers (Mobile)	Taylor	Woodall
Goldsmith			

—29

Nays:—None.

Which was a majority of the whole number elected to the Senate.

RECESS

At 1:35 P. M., on motion of Mr. Walton, the Senate took a recess until 3 o'clock this afternoon.

THIRTY-THIRD DAY—AFTERNOON SESSION

Wednesday, July 10th, 1935.

The Senate re-assembled at 3 P. M., President Pro-Tem Riddle presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Thrower
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Stephens	Walden
Cook	Mooneyham	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Fletcher	Parrish	Swift	Wellborn
Frazer	Riddle	Taylor	Woodall
Glover			

—33

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Bonner:

S. 315. To propose an amendment to the Constitution of Alabama to be known as "Article _____", vesting the legislative power of this State in a Legislature consisting of one representative from each county in this State.

Committee on Rules.

The above bill was read a first time at length, as required by the Constitution.

RESOLUTIONS

Mr. Thrower offered the following joint resolution:

S. J. R. 76. RESOLVED BY THE SENATE, the House concurring, that the Legislature remain in session today until House Bill No. 653 is signed by the Presiding Officers of the Senate and House.

Which was read and referred to the Standing Committee on Rules.

Mr. Simpson offered the following Senate Resolution:

S. J. R. 77. WHEREAS the securing of the enactment of Legislation insuring adequate examination of the public offices of this State and its political subdivisions has been a constant effort and aim of the distinguished member of this Senate from Calhoun, and

WHEREAS, he has personally contributed much to the enactment of House Bill No. 255, passed by the Senate today.

Now, therefore, BE IT RESOLVED that said House Bill, be and it is now designated and may for all purposes be hereafter known and cited as the Wellborn-McDermott Act.

And on motion of Mr. Simpson, the rules were suspended and the resolution adopted.

CONSIDERATION OF SPECIAL ORDERS

The Senate proceeded to consider the Special Orders for today, the first of which was the bill:

H. 255. To require the Division of Departmental and County Audits to have examined the records of all county officers at least once in every two years; to provide for a sufficient number of assistant examiners of public accounts to carry out the provisions of this act; to define their duties and provide for their compensation, requiring the counties to pay for said examination out of the general fund of the county where the State is not interested and where the State is interested to require the counties to pay their pro rata share.

Was read a third time at length and passed.

Yeas, 32; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Thrower
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall

—32

Nays:—None.

H. 653. In relation to the educational system of Alabama to make an appropriation to provide funds for the purpose of paying salaries of public elementary and high school teachers for the remainder of the normal term during the year 1934-1935 in the several counties of the State, the cities under 5,000 population, and the State Secondary Agricultural Schools, where all local, State, and Federal funds available for that purpose have been exhausted.

Was read a third time at length and passed.

Yeas, 32; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Thrower
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall

—32

Nays:—None.

H. 569. To provide for and authorize creation and incorporation of a Commission to be known as the Alabama Oyster Commission for the purpose of preserving the oyster and shrimp life in the public waters of this State and to increase and improve the supply thereof and to prevent undue or unnecessary depletion thereof; to prescribe its powers and duties; to provide for securing necessary funds by means of grants or loans for such purpose; authorizing it to issue bonds and providing for the payment of such bonds; to prescribe the rights and powers of the purchasers of any bonds issued.

Was read a third time at length and passed.

Yeas, 33; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Thrower
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn
Frazer	Riddle	Taylor	Woodall
Glover			

—33

Nays:—None.

The bill:

H. 648. In relation to the educational system of Alabama to prescribe the duties of the State Department of Education, the organization of the State Department of Education, the expenses of the State Department of Education, the compensation of employees of the State Department of Education, and to amend the Code of Laws of the State of Alabama, known as the "Alabama School Code" of 1927, adopted as the Code of Laws for the State of Alabama prepared in accordance with the provisions of the Act approved August 11, 1927, (S. 296 Mitchell), by the Act approved August 27, 1927, and which pertains to the system of public schools throughout the State, its organization and administration as follows: Amending Article III by repealing Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, pertaining to the creation of the State Department of Education, its organization, divisions, personnel, and duties, and amending Article IV by repealing Sections 62 and 63 pertaining to Expenses of the Department and to Compensation of Employees, and substituting therefor the provisions contained in this Act; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Russell	Thrower
Browder	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Stephens	Walton
Cook	Mooneyham	Swift	Weaver
Dorsey	Parrish	Taylor	Wellborn
Fletcher	Riddle	Thomas	Woodall
Frazer	Rogers (Mobile)		

—30

Nays:—None.

The bill:

H. 731. To protect the rights of the public in all matters now pending, or which may hereafter arise involving any public utility; to provide for an appeal to the courts for, or on behalf of the public on all rulings, orders or decisions of the public service commission; to give each patron of any public utility all of the rights and privileges of any litigant now provided or which shall hereafter be provided by the constitution and laws of this State; to authorize the appointment by The Governor of a Peoples Public Service Attorney, and to prescribe his duties and fix his compensation.

Was taken up.

The Standing Committee on Judiciary reported the following amendment to said bill to-wit:

Amend Section 1 of House Bill No. 731, by inserting in the third line thereof, after the words "public utility" and before the word "transportation" the words "or transportation company".

Further amend Section 1 of said bill by striking out the word "merchandise" where it occurs therein.

Amend Section 2 of said bill by inserting the words "or transportation company" after the words "public utility in line 7 thereof where it occurs twice therein.

Further amend Section 2 of said bill by inserting the words "or transportation company" after the words "public utility" where they occur in line 12 thereof.

Which was adopted.

Yeas, 25; Nays, 7.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Thomas
Browder	Goldsmith	Riddle	Thrower
Carlton	Kelly	St. John	Walden
Chesnut	Kuykendall	Starnes	Walton
Cook	Mixon	Stephens	Weaver
Dorsey	Mooneyham	Swift	Woodall
Fletcher			

—25

Nays:

Messrs.:

Frazer	McDowell	Taylor	Wellborn
Locke	Russell	Tucker	

—7

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; Nays, 7.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Thomas
Browder	Goldsmith	Riddle	Thrower
Carlton	Kelly	St. John	Walden
Chesnut	Kuykendall	Starnes	Walton
Cook	Mixon	Stephens	Weaver
Dorsey	Mooneyham	Swift	Woodall
Fletcher			

—25

Nays:

Messrs.:

Frazer	McDowell	Taylor	Wellborn
Locke	Russell	Tucker	

—7

The bill:

H. 275. To Provide For The Incorporation, Organization, and Regulation Of Mutual Cooperative Marketing and Purchasing Corporations or Associations of Agricultural Products in this State, and to give to such Corporation or Association Certain Rights, Privileges, and Powers, and to Repeal Article 21 of Chapter 274 of the Code of 1923.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	McDowell	Thomas
Browder	Goldsmith	Riddle	Tucker
Carlton	Kelly	Rogers (Mobile)	Walden
Chesnut	Kuykendall	Russell	Walton
Cook	Locke	Simpson	Wellborn
Dorsey	Mixon	Stephens	Woodall
Fletcher	Mooneyham	Taylor	

—27

Nays:—None.

The bill:

H. 276. To provide for the dissolution of cooperative marketing corporations or associations, or of cooperative marketing and purchasing corporations or associations heretofore or hereafter organized under the laws of this State.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Thrower
Browder	Kelly	Russell	Tucker
Carlton	Kuykendall	Simpson	Walden
Chesnut	Locke	Starnes	Walton
Cook	Mixon	Stephens	Weaver
Dorsey	Mooneyham	Taylor	Wellborn
Frazer	Parrish	Thomas	Woodall
Glover			

—29

Nays:—None.

The bill:

H. 277. To Amend Section 7131, 7133, 7134 and 7151 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thrower
Browder	Goldsmith	Russell	Tucker
Carlton	Kelly	Simpson	Walden
Chesnut	Kuykendall	Starnes	Walton
Cook	Locke	Stephens	Weaver
Dorsey	Mixon	Taylor	Wellborn
Fletcher	Mooneyham	Thomas	Woodall
Frazer	Parrish		

—30

Nays:—None.

The bill:

H. 278. To authorize cooperative agricultural associations organized under the laws of this State to acquire and hold stock in the New Orleans Bank for Cooperatives and in the Central Bank for Cooperatives and to authorize eligible corporations to acquire and hold stock in production credit associations.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Mooneyham	Thrower
Browder	Glover	Russell	Tucker
Carlton	Goldsmith	Simpson	Walden
Chesnut	Kelly	Starnes	Walton
Cook	Kuykendall	Stephens	Weaver
Dorsey	Locke	Taylor	Wellborn
Fletcher	Mixon	Thomas	Woodall

—28

Nays:—None.

The bill:

H. 425. To create a State Toxicologist, to fix the duties and compensation of such toxicologist, and to make an appropriation to carry out the provisions of this act.

Was read a third time at length and passed.

Yeas, 25; Nays, 5.

Yeas:

Messrs.:

Bonner	Cook	Kelly	Riddle
Browder	Fletcher	Kuykendall	Rogers (Mobile)
Carlton	Frazer	Mixon	Russell
Chesnut	Glover	Parrish	Simpson

Starnes
Thomas
Thrower

Tucker
Walden

Walton
Weaver

Wellborn
Woodall

—25

Nays:
Messrs.:
Goldsmith
Locke

Mooneyham

Stephens

Taylor

—5

The bill:

S. 188. To amend an Act, entitled "An Act to Promote the Objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations, to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, by adding thereto a section, permitting fiduciaries to retain for their individual account any service charge allowed by the National Housing Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 1.

Yeas:
Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook

Kelly
Kuykendall
Locke
Mixon
Mooneyham

Riddle
Rogers (Mobile)
Russell
Simpson
Starnes

Stephens
Thrower
Tucker
Walton
Weaver

—20

Nay: Mr. Parrish.

—1

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 81. To provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and

to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purposes of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by two-thirds vote of a quorum of the Senate present, and immediately after it's title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the Bill:

By Mr. Welch:

H. 291. To amend Section 6824 of the 1923 Code of Alabama.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama.

Gentlemen:

I herewith return to you, the House in which it originated, House Bill No. 291 without by approval.

I suggest the following Executive Amendment, which if adopted, will cure what I consider the defects in the bill:

Amend said bill by inserting the words, "fire and tornado" just after the words "contracts of" and just preceding the word "insurance" where they occur in said bill.

Respectfully,
(Signed) Bibb Graves,
Governor.

July 10, 1935.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 291, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 85, Nays, 0.

And said bill, H. 291, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at

length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 85; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Simpson, the State concurred in the amendment proposed by His Excellency, the Governor, to H. 291, the title of which and said amendment is set out in the foregoing Message from the House.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Riddle	Thrower
Browder	Goldsmith	Rogers (Mobile)	Tucker
Carlton	Kelly	Russell	Walden
Chesnut	Locke	Simpson	Walton
Cook	Mixon	Starnes	Weaver
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	Parrish	Taylor	Woodall

—28

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended, by the amendment of the Governor, was again read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thrower
Browder	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	Parrish	Stephens	Weaver
Dorsey	Riddle	Swift	Wellborn
Frazer	Rogers (Mobile)	Taylor	Woodall
Goldsmith			

—29

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Harrison:

H. J. R. 149. RESOLVED by the House of Representatives, the Senate concurring, that when the two Houses adjourn today they adjourn to meet on Tuesday, the 30th., day of July, 1935, at ten o'clock A. M.

BE IT FURTHER RESOLVED that the Clerk of the House and the Secretary of the Senate shall, during the recess of the Legislature, keep their respective offices open for the convenience of the members of the Legislature and the public, and shall furnish such information to the members and the public as may be desired.

BE IT FURTHER RESOLVED that the Clerical force of the office of the Clerk and the legislative clerks of the House of Representatives remain the same as when the House is in session to check and complete the Journals and other records of the House in order that the same may be brought up to date when the House re-convenes on the 34th., Legislative Day, and for such other work as may be assigned to them by the Clerk of the House, and that the Secretary, Assistant Secretary, Second Assistant Secretary, Chief Clerk and Reading Clerk of the Senate and sixteen assistants and one Janitor, to be selected and appointed by the Secretary of the Senate be allowed the full time of the recess to perform a like service in the Senate, and that each shall receive the same per diem as now provided by law.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 149, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Walden, the Senate indefinitely postponed further consideration of the bill:

H. 657. To amend Section 2341 of the Code of Alabama of 1923 and an amendment thereto, approved August 9, 1927, entitled "An Act to amend Section 2341 of the Code of Alabama of 1923".

On motion of Mr. Stephens, the Senate indefinitely postponed further consideration of the bill:

S. 240. In relation to the educational system of Alabama to prescribe the duties of the State Department of Education, the organization of the State Department of Education, the expenses of the State Department of Education, the compensation of employees of the State Department of Education, and to amend the Code of Laws of the State of Alabama, known as the "Alabama

School Code" of 1927, adopted as the Code of Laws for the State of Alabama prepared in accordance with the provisions of the Act approved August 11, 1927, (S. 296 Mitchell), by the Act approved August 27, 1927, and which pertains to the system of public schools throughout the State, its organization and administration, as follows: Amending Article III by repealing Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, pertaining to the creation of the State Department of Education, its organization, divisions, personnel, and duties, and amending Article IV by repealing Sections 62 and 63 pertaining to Expenses of the Department and to Compensation of Employees, and substituting therefor the provisions contained in this Act: and to repeal all laws and parts of laws in conflict with the provisions of this Act.

On motion of Mr. Rogers of Mobile, the Senate indefinitely postponed further consideration of the bill:

S. 13. To amend Section 11 of an Act entitled An Act to Provide for the Organization, Regulation and Government of the State Bar, including admissions and disbarments of lawyers, approved August 9th, 1923, so that the entire license fee of Ten Dollars, as provided in Section 11 of said Act, shall be paid to the State Treasurer as a separate fund to be disbursed by the State Treasurer on the order of the Board of Commissioners.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Taylor:

H. 432. To amend Section 7 of an Act entitled: An Act To give effect to the amendment to Section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws passed by the Legislature, to engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars"; continuing the authority granted the State of Alabama in Chapter 44, Article 4, of the Code of 1923, to engage in the work of internal improvement of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issue and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State in respect to said development; continuing an agency of the State known as the State Docks Commission, preserving the terms of office of the existing members of the State Docks Commission, providing

for the election, subject to confirmation by the Senate, and/or the Governor, of members of the State Docks Commission, including the participation by the Governor in the election of members of the Commission under certain circumstances provided; to provide for the management and control of all of said operations by said agency; to prescribe and define the powers, duties and jurisdiction of such agency, including, among other things, the leasing of real estate within the boundaries of the State Docks area and exempting from State, County and municipal taxation structures and improvements as well as all permanent facilities erected, installed or located, within said boundaries, by lessees, their successors or assigns, for the period stipulated in such leases, and including the exercise of the power of eminent domain, and, among other things, to make rules and regulations concerning the licensing and disciplining of pilots, fixing pilotage fees, promulgating rules and regulations for the operation and maintenance of any seaport or harbor within the State, preventing and penalizing obstruction of any harbor or seaport, providing suitable penalties for the violation of any rule or regulation established by said Commission under the authority of this Act; to confer upon said agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority, and for the use of its facilities acquired or constructed under authority of this Act, to require all persons and corporations rendering like services or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to establish harbor lines and to grant licenses to riparian owners to erect aids to navigation; to regulate generally the acquisition, construction, development and operation by the State of harbor improvements; including, among other things, all kinds of terminal facilities at seaports; to repeal all laws in conflict with this Act, and expressly repealing the following sections of the Code of 1923, viz: Sections 2427 to 2517, both inclusive. Approved January 17, 1927.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 432, to the Committee on Seaports.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Gentlemen:

I herewith return to you, the body in which it originated, Senate Bill No. 81 without by approval.

This bill was passed as a substitute Bill for Senate Bill No. 81 as originally introduced.

I suggest the following executive amendment to the bill, which will meet my objections to the bill, if approved by your body:

Amend Section 2 of said Bill by striking therefrom the following words, wherever they occur in the bill:

"and also the bridge spanning the Tallapoosa River on the Wares Ferry Road, known as the Seth Johnson Bridge."

Respectfully,
(Signed) Bibb Graves,
Governor.

July 10, 1935.

GOVERNOR'S MESSAGE

On motion of Mr. Starnes, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 81. To provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purposes of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00 annually, therefor, for a period not exceeding thirty years.

Said amendment being set out in the foregoing message from His Excellency, the Governor.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Goldsmith

Kelly
Kuykendall
Locke
Mixon
Mooneyham
Parrish

Riddle
Russell
St. John
Simpson
Starnes
Stephens

Thomas
Thrower
Walton
Weaver
Wellborn
Woodall

—25

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 27; Nays, 2.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thrower
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	Parrish	Taylor	Wellborn
Goldsmith	Riddle	Thomas	

—27

Nays:—Messrs.: Bonner, Frazer.

—2

Which was a majority of the whole number elected to the Senate.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report to-wit:

H. J. R. 149. Relative to adjournment of the Two Houses until Tuesday, July 30th, 1935, at ten A. M., and that the clerical force of the House and certain clerks of the Senate remain the same as when the House and Senate are in session.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

Yeas, 21; Nays, 7.

Yeas:

Messrs.:

Browder	Mixon	St. John	Thrower
Carlton	Mooneyham	Simpson	Tucker
Chesnut	Parrish	Starres	Walton
Fletcher	Riddle	Stephens	Weaver
Frazer	Russell	Thomas	Woodall
Kuykendall			

—21

Nays:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Taylor
Dorsey	Locke	Swift	

—7

The Rules Committee also reported the following Senate Resolution:

S. R. 78. BE IT RESOLVED by the Senate that the clerical force of the Secretary of the Senate and the Legislative clerks of the Senate shall remain the same during the recess, between the 33rd and 34th Legislative Days as when the Senate is in session

and all such force shall receive the same per diem and be paid in the same manner as they are now paid.

RESOLVED FURTHER that all such clerks shall work at the direction of the Secretary of the Senate during such recess.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

The Rules Committee also reported the following Senate Resolution:

S. R. 79. BE IT RESOLVED by the Senate that no further bills presently on the Senate Calendar be considered or passed on this, —the 33rd Legislative day.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 317. To provide for payment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other services incident to the feeding of prisoners, not including the food to be served to prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923.

Also:

H. 615. To repeal an Act entitled "An Act to provide for and regulate the pay of state witnesses before the County Court of Elmore County, Alabama, out of the general fund of said county", approved July 17th, 1931, Local Acts of Alabama, 1931, page 199.

Also:

H. 616. To authorize the Commissioners Court of Elmore County, Alabama, to make provision for paying off, refunding or redeeming all or any part of outstanding legal bonds of said county before their due dates, where same may be effected by agreement with the holder thereof, at such time or times as said court may deem advisable, at a premium of not exceeding three per centum above par, if necessary or advisable in the opinion of said court, said premium to be in addition to the accrued interest thereon, and to authorize said court to effect said redemption or payment by paying cash or by issuance and sale of refunding warrants against the general fund, pledging the general fund of the county for the payment thereof, said warrants to bear interest at a rate not exceeding four per centum per annum, maturing in such amounts and at such times as said court may determine, none of such warrants to mature beyond the due date of the bonds to be so redeemed, refunded or paid off and to provide that interest thereon shall be paid semi-annually and shall be evidenced by

coupons attached to said warrants, and to provide further that the total amount of warrants so issued shall not exceed the face value of bonds so redeemed or paid off together with accrued interest and said premium.

Also:

H. 619. To allow the Sheriff of Etowah County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Etowah County in monthly installments.

Also:

H. 636. To provide for and regulate the assessment, levy and collection of Municipal taxes of the City of Auburn, in Lee County, Alabama, and to define the duties of State, County and Municipal offices and officers in regard thereto, and to fix the tax year for the said City of Auburn, and to make the Tax Collector of Lee County, Alabama ex-officio collector of property taxes for said City of Auburn.

Also:

H. 638. To authorize and empower the Board of Revenue of Morgan County, Alabama, to pay to Sam P. Lile the sum of \$175.25, the value of a barn which was destroyed by fire on account of the negligence of employees of Morgan County, Alabama, who were burning brush, clearing the right of way for a road.

Also:

H. 639. To provide for the appointment of an official court reporter by the Judge of the Morgan County Court of Morgan County, Alabama; to fix the compensation, define his duties, and provide for a special reporter in certain cases.

Also:

H. 642. To provide for the regulation and purchasing of supplies for which Tallapoosa County, Alabama is liable for the County officials, the County officers and every department of the County including supplies, books, materials, office equipment, printing and printed matter needed and used in and by the various offices of said County, the officers thereof, the jail and almshouse and to provide for the appointment or election of a purchasing committee to be intrusted with the duty and responsibility of making and authorizing such purpose and to provide that such supplies, books, materials, office equipment, printing and printed matter and other supplies be bought through competitive bids. To provide for the purchasing of all equipment such as machinery, mules, horses, tools and other supplies or equipment to be used for and in connection with all road work either construction, maintenance or repair of roads in Tallapoosa County, Alabama. To define the powers and duties of the purchasing committee herein created.

Also:

H. 656. To provide for the payment of certain claims for fees and court cost now outstanding and registered against the Fine and Forfeiture Fund of Elmore County, Alabama, in favor of the Clerk of the Circuit Court and Clerk of the County Court, or court of like jurisdiction, and making all such claims accruing hereafter payable out of the General Funds of said County, and authorizing and empowering the Court of County Commissioners to pay said claims out of the General Funds of said County.

Also:

H. 710. To repeal An Act entitled: "An Act to require twenty-five per cent of the total funds received by Marion County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels, to be used for the purpose of establishing a sinking fund for the retirement of the \$100,000.00 in bonds of said county, issued for the purpose of constructing public roads in said county, authorized by an election held on the first day of November, 1913; requiring the county treasurer of said county to set aside funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof, with said funds; providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels, shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect," approved March 9, 1933. And to provide that any funds on hand which have accumulated under the provisions of the said Act so repealed shall be used by the Commissioners Court of said county in accordance with the provisions of the general laws of Alabama, under which said funds were levied and collected by the State, or for the purpose of matching Federal funds for road purposes.

Also:

H. 711. For the relief of William H. McCaulley by the payment by the County and City of Mobile to him of the reasonable value of the use of an automobile and gasoline and oil therefor used by him while in the discharge of his duties as Probation Officer of the Juvenile Court of Mobile County, from February 1, 1934 to April 30, 1935, both inclusive.

Also:

H. 715. To pay or re-imburse J. F. Anderson the sum of One Hundred Dollars for his Ex-Officio Fees as Clerk of the Inferior Court of Randolph County, Alabama, the said J. F. Anderson having acted as such Clerk under the Ruling of the Attorney General of Alabama holding that the Act abolishing the Inferior Court of Randolph County, Alabama and approved on February

5, 1935 was unconstitutional and void. Said sum of \$100.00 as Ex-Officio fees or services to be paid out of the general funds of Randolph County, Alabama.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills: the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the bills:

H. 617. To provide compensation for the Sheriff of Elmore County, Alabama, for patrolling the Lakes and policing dance halls and fishing camps of said county and for performing other public services required of him for which no compensation is allowed, and authorizing said sheriff to appoint one deputy, fix his tenure of office, prescribe his duties fix his compensation, and to authorize and prescribe their duties, fix their compensation, and to authorize the Court of County Commissioners of said county, at their discretion to pay the compensations of said sheriff and deputy by warrants drawn on the treasurer and paid out of the general funds of said county, and to require said deputy to give bonds payable to the said sheriff conditioned as required by Section 2595, Code of Alabama, 1923.

H. 731. To protect the rights of the public in all matters now pending, or which may hereafter arise involving any public utility; to provide for an appeal to the courts for, or on behalf of the public on all rulings, orders or decisions of the public service commission; to give each patron of any public utility all of the rights and privileges of any litigant now provided or which shall hereafter be provided by the constitution and laws of this State; to authorize the appointment by The Governor of a Peoples Public Service Attorney, and to prescribe his duties and fix his compensation.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 648. In relation to the educational system of Alabama to prescribe the duties of the State Department of Education, the organization of the State Department of Education, the expenses of the State Department of Education, the compensation of employees of the State Department of Education, and to amend the Code of Laws of the State of Alabama, known as the "Alabama School Code" of 1927, adopted as the Code of Laws for the State of Alabama prepared in accordance with the provisions of the Act approved August 11, 1927, (S. 296 Mitchell), by the Act approved August 27, 1927, and which pertains to the system of public schools throughout the State, its organization and administration, as follows: Amending Article III by repealing Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, pertaining to the creation of the State Department of Education, its organization, divisions, personnel, and duties, and amending Article IV by repealing Sections 62 and 63 pertaining to Expenses of the Department and to Compensation of Employees, and substituting therefor the provisions contained in this Act; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Also:

H. 653. In relation to the educational system of Alabama to make an appropriation to provide funds for the purpose of paying salaries of public elementary and high school teachers for the remainder of the normal term during the year 1934-1935 in the several counties of the State, the cities under 5,000 population, and the State Secondary Agricultural Schools, where all local, State, and Federal funds available for that purpose have been exhausted.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 584. To amend an Act entitled an Act, "To amend Section 4 of an Act entitled: An Act to provide for the consolidation of the administration and control of the public school system in any county of not less than seventy five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority, approved March 5, 1931, Approved July 8, 1931.

Also:

H. 255. To require the Division of Departmental and County Audits to have examined the records of all county officers at least once in every two years; to provide for a sufficient number of assistant examiners of public accounts to carry out the provisions of this act; to define their duties and provide for their compensation, requiring the counties to pay for said examination out of the general fund of the county where the State is not interested and where the State is interested to require the counties to pay their pro rata share.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the following bill:
By Mr Starnes:

S. 81. To provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring,

and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purposes of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years.

By a vote of a majority of the whole number elected to the House; said vote being: Yeas, 58; Nays, 3.

And said bill, S. 81, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 58; Nays, 3.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

RECESS

At 6:35 P. M., on motion of Mr. Walton, the Senate took a recess until 8:30 to-night.

THIRTY-THIRD DAY—NIGHT SESSION

Wednesday, July 10th, 1935.

The Senate re-assembled at 8:30 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Browder	Kuykendall	Russell	Tucker
Carlton	Mixon	Starnes	Walton
Chesnut	Mooneyham	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Thomas	Woodall
Kelly	Rogers (Mobile)	Thrower	

—23

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 81. To provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner

in which said leasing, purchasing condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishments of the purposes of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after it's title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 275. To Provide For The Incorporation, Organization, and Regulation Of Mutual Cooperative Marketing and Purchasing Corporations or Associations of Agricultural Products in this State, and to Give to such Corporation or Association Certain Rights, Privileges, and Powers, and to Repeal Article 21 of Chapter 274 of the Code of 1923.

Also:

H. 617. To provide compensation for the Sheriff of Elmore County, Alabama, for patrolling the Lakes and policing dance halls and fishing camps of said county and for performing other public services required of him for which no compensation is allowed, and authorizing said sheriff to appoint one deputy, fix his tenure of office, prescribe his duties fix his compensation, and to authorize and prescribe their duties, fix their compensation, and to authorize the Court of County Commissioners of said county, at their discretion to pay the compensations of said sheriff and deputy by warrants drawn on the treasurer and paid out of the general funds of said county, and to require said deputy to give bonds payable to the said sheriff conditioned as required by Section 2595, Code of Alabama, 1923.

Also:

H. 276. To provide for the dissolution of cooperative marketing corporations or associations, or of cooperative marketing and purchasing corporations or associations heretofore or hereafter organized under the laws of this State.

Also:

H. 277. To Amend Sections 7131, 7133, 7134 and 7151 of the Code of Alabama of 1923.

Also:

H. 278. To authorize cooperative agricultural associations organized under the laws of this State to acquire and hold stock in the New Orleans Bank for Cooperatives and in the Central Bank for Cooperatives and to authorize eligible corporations to acquire and hold stock in production credit associations.

Also:

H. 425. To create a State Toxicologist, to fix the duties and compensation of such toxicologist, and to make an appropriation to carry out the provisions of this act.

Also:

H. 569. To provide for and authorize creation and incorporation of a Commission to be known as the Alabama Oyster Commission for the purpose of preserving the oyster and shrimp life in the public waters of this State and to increase and improve the supply thereof and to prevent undue or unnecessary depletion thereof; to prescribe its powers and duties; to provide for securing necessary funds by means of grants or loans for such purpose; authorizing it to issue bonds and providing for the payment of such bonds; to prescribe the rights and powers of the purchasers of any bonds issued.

Also:

H. 731. To protect the rights of the public in all matters now pending, or which may hereafter arise involving any public utility; to provide for an appeal to the courts for, or on behalf of the public on all rulings, orders or decisions of the public service commission; to give each patron of any public utility all of the rights and privileges of any litigant now provided or which shall hereafter be provided by the constitution and laws of this State; to authorize the appointment by The Governor of a Peoples Public Service Attorney, and to prescribe his duties and fix his compensation.

Also:

H. 291. To amend Section 6824 of the 1923 Code of Alabama.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 226. To revise and amend an Act entitled "An Act to revise and amend Chapter 20 of the Code of 1907," relating to game and fish laws.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Swift, the Senate non-concurred in the following amendment by the House to S. 226, the title of which is set out in the foregoing Message from the House to-wit:

"Amend S. B. No. 226 Section 12 by adding the following immediately after the word "State" in line 15, page 7—"Provided that, such Field Assistant, Chief Game Warden and all other game and fish wardens shall, before entering upon their duties as such Field Assistant and game and fish wardens take the oath of office as required by law for Sheriffs in this State and shall give bond in the sum of One Thousand (\$1000.00) with a surety company authorized to do business in this State as surety on said bond, which said bonds shall be approved by the Governor and filed as the bonds of State and County officers are filed, and conditioned as bonds of deputy Sheriff of this State.

Amend the title of the original Bill, S. No. 226, and the body of the bill by inserting the words quote Approved October 1st, 1923 unquote after the words quote Chapter 20 of the Code of 1907 unquote wherever those last words occur.

Amend Section 11 of Senate Bill No. 226 by striking from said Section the following words:

"And to appoint, for a term of six years, the successor to the Commissioner at the expiration of his term of office, and every six years thereafter," where they appear together in said section.

Amend Senate Bill Number 226 by striking Section 3 and inserting in lieu thereof of the following:

"Section 3. The successor to the present Commissioner of Game and Fisheries shall be appointed by the Governor and shall hold office for a term of four years, beginning on the first Monday after second Tuesday in January, 1937; and every four years thereafter the Governor shall appoint a successor to the Commissioner of Game and Fisheries, who shall, in like manner, hold his office for a period of four years, ending on the 1st Monday after second Tuesday in January or until his successor is appointed and qualified. Any vacancy in the office shall be filled by appointment of the Governor, and the appointee shall hold for the unexpired term."

Amend Senate bill 226 by striking out section 15.

And requests a Committee of Conference.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder
Carlton
Chesnut
Fletcher
Glover
Kelly

Kuykendall
Mixon

Mooneyham

Parrish

Riddle

Rogers (Mobile)

Russell

Starnes

Stephens

Swift

Thomas

Thrower

Tucker

Walton

Weaver

Wellborn

Woodall

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Nays:—None.

Thereupon, the President of the Senate appointed as conferees on part of the Senate Messrs. Swift, Rogers of Mobile and Chesnut.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Miller:

H. J. R. 151. Be it resolved by the House, the Senate concurring, that Senate Bill No. 81, known as the toll bridge bill, be known and designated as the Starnes-Livingston Act.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Chesnut, the Senate concurred in H. J. R. 151, set out in the foregoing Message from the House.

RESOLUTIONS

Mr. Woodall offered the following Senate Resolution:

S. R. 80. BE IT RESOLVED by the Senate that the pages and messengers of the Senate be paid their regular per diem during the recess ending on July 29, 1935.

And on motion of Mr. Woodall, the rules were suspended and the Resolution adopted.

Mr. Woodall also offered the following Senate Resolution:

S. R. 81. BE IT RESOLVED by the Senate of Alabama that the Senate appreciates the cooperation of the Governor of the State of Alabama and hereby expresses to him the appreciation of the Senate for his untiring cooperation in helping to enact laws beneficial to the people of this State.

And on motion of Mr. Kelly, the rules were suspended, said Resolution put upon its immediate passage and adopted.

REPORT OF SECRETARY

To the Senate:

In accordance with the requirements of Joint Rule No. 5, of the House and Senate, I respectfully report the following Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. 16. To amend Section 1897 of the Code of Alabama of 1923 as amended, in relation to the borrowing of money by Municipalities.

Delivered to the Governor May 3rd, 1935, at 10:25 A. M.

Also:

By Mr. Woodall:

S. 132. To allow the Sheriff of Elmore County, Alabama, an additional deputy sheriff to that now provided by law, to fix the salary of said deputy and make the same payable out of the General funds of Elmore County in monthly installments, said deputy sheriff to be appointed by the sheriff of Elmore County and to be located at Tallassee, Alabama, and shall be eligible to perform duties of his office anywhere in said County, and to require bond of said deputy sheriff and fix the amount thereof.

Delivered to the Governor May 17, 1935, at 10:45 A. M.

Also:

S. 96. To provide for the election of a County Superintendent of Education for Chambers County, Alabama, to fix his term of office, to prescribe his salary and provide the manner of payment of the same; to define his qualifications, powers and duties, and to provide that women who meet the requirements of this Act

are eligible to nomination and election to the office of County Superintendent of Education of Chambers County, Alabama; to provide for the election of his successor in office; and to provide for his removal by the County Board of Education for good cause.

Delivered to the Governor May 24, 1935, at 10:20 A. M.

Also:

S. 136. To rearrange and fix the boundary lines and show the lands included in the Town of Mignon, Talladega County, Alabama.

Delivered to the Governor May 24, 1935, at 10:20 A. M.

Also:

S. 137. "To exempt all persons from performing road duty in Talladega county and to prevent the collection of road tax and street tax in said county."

Delivered to the Governor May 24, 1935, at 10:20 A. M.

Also:

S. 98. To authorize and direct the Court of County Commissioners of Chambers County, Alabama to pay for advertising the notice and substance of local bills to be introduced in the Legislature for said County, when due proof has been made of the correctness of the charges for advertising as other claims against the County are.

Delivered to the Governor May 28, 1935, at 11:30 A. M.

Also:

S. 141. To repeal an Act entitled "To authorize the Sheriff of St. Clair County, Alabama, to employ two chief deputy sheriffs, one to reside at Pell City, and the other to reside at Ashville; to fix the compensation of such chief deputies; to provide for the payment of same and the manner thereof; and to repeal all laws in conflict with this Act in so far as the same apply to said St. Clair County, Alabama," (Local Acts 1932, Page 3, approved September 9, 1932.)

Delivered to the Governor May 28, 1935, at 3:50 P. M.

Also:

S. 143. To provide for one jury box in St. Clair County, and to provide for the drawing and empaneling of all juries, and jurors for the northern and southern judicial divisions of said county, to be drawn from such jury box; and for the care and custody of said jury box.

Delivered to the Governor May 28, 1935, at 3:50 P. M.

Also:

S. 70. To amend Section 231 of the Code of Alabama of 1923.

Delivered to the Governor June 4, 1935, at 11:30 A. M.

Also:

S. 113. To amend Section 8 of an Act entitled an Act To create, establish and regulate Inferior Courts in all precincts lying within or partly within all cities of the State of Alabama now having as many as 35,000 and less than 67,000 population, according to the last Federal Census, and in all cities that may hereafter have as many as 35,000 and less than 67,000 population, according to any subsequent Federal Census. Such Courts to be in lieu of Justices of the Peace in said precincts and in lieu of all other courts heretofore created in lieu of Justices of the Peace in said precincts. To provide and define the jurisdiction and powers of such courts and the terms thereof; to provide for the judges and officers of such courts, their terms of office and the manner of their selection, and their powers, duties and compensation; to fix the fees and costs for such courts; to provide the rules and procedure for such courts and for the operation thereof; to provide for registering of its judgments and a lien of its judgments, and to abolish Justices of the Peace in such precincts, and to abolish courts heretofore created in lieu of such Justices of the Peace; and to provide for the transfer of the causes from the abolished courts to the courts created by this Act. Approved February 5th, 1931.

Delivered to the Governor June 4, 1935, at 11:30 A. M.

Also:

S. 135. To repeal an Act entitled: "An Act to fix the salary of the Deputy Solicitor of Washington County, Alabama." Approved February 10, 1927.

Delivered to the Governor June 4, 1935, at 11:30 A. M.

Also:

S. 138. To amend Section 197 of the 1927 School Code of Alabama.

Delivered to the Governor June 25, 1935, at 12:25 P. M.

Also:

S. 144. To declare Education an essential function of State government and to prohibit discrimination against the schools and educational institutions and teachers and administrators therein, in the administration of the Budget and Financial Control Act, approved September 27, 1932, and of any other law of the State of Alabama.

Delivered to the Governor June 25, 1935, at 12:25 P. M.

Also:

S. 209. To provide for compensation of members of the Board of County Commissioners of Crenshaw County out of the Gasoline Excise Tax Fund.

Delivered to the Governor July 3rd, 1935, at 10:30 A. M.

Also:

S. 215. To amend the Code of Laws for the State of Alabama, known as the "Agricultural Code of Alabama," of 1927, adopted as the Code of Laws for the State of Alabama, prepared in accordance with the provisions of the Act approved February 18, 1927, (H. 273—Goode) by the Act of the Legislature approved August 24, 1927, and which pertains to Agriculture and Industries and relating subjects which are administered by, concern or relate to the duties of the Commissioner of Agriculture and Industries or the State Board of Agriculture as follows: Amend Section 347 of Article Thirty-One pertaining to supervision of Cotton Gins.

Delivered to the Governor July 3rd, 1935, at 10:30 A. M.

Also:

S. 193. To relieve all persons in Chambers County, Alabama of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such obligation to work on the public roads in Chambers County, Alabama.

Delivered to the Governor July 3rd, 1935, at 10:30 A. M.

Also:

S. 184. To authorize and empower the governing bodies of all counties in this State, which are now collecting or may hereafter collect as much as Forty Thousand Dollars per year from any road or bridge tax of one-fourth of one per centum levied under Section 215 of the present Constitution of Alabama, to transfer and assign, sell or pledge not more than fifty per centum of the county's part of the gasoline taxes now or hereafter levied by the State of Alabama, and divided among the sixty-seven counties of this State, for a period of not exceeding twenty years, and to authorize the issuance and sale of warrants, securities, debentures or assignments of said taxes, and to provide for the payment of such warrants, debentures, securities or assignments out of such county's part of such gasoline taxes; and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair, surfacing, or re-surfacing of roads and bridges, and the matching of funds with the State of Alabama or the United States of America, for highway and bridge purposes; and to further provide for authority by the counties for the deposit of such proceeds with the State of Alabama for highway or bridge purposes.

Delivered to the Governor July 3rd, 1935, at 10:30 A. M.

Also:

S. 208. For the relief of the Members of the Court of County Commissioners of Crenshaw County.

Delivered to the Governor July 3rd, 1935, at 5:30 P. M.

Also:

S. 234. To further provide for and regulate the selection, qualification and election of the members of the Board of Education of Marengo County.

Delivered to the Governor July 3rd, 1935, at 5:30 P. M.

Also:

S. 252. To amend Section 2341 of the Code of Alabama of 1923 and an amendment thereto, approved August 9, 1927, entitled "An Act to amend Section 2341 of the Code of Alabama of 1923."

Delivered to the Governor July 3rd, 1935, at 5:30 P. M.

Also:

S. 174. To provide for safety on the roads and highways of the State of Alabama, and to require every person using, operating, or driving a motor vehicle over the roads and highways of the State of Alabama to bring said motor vehicle to a complete stop before passing a school bus or other vehicle used to transport school children while such school bus, or other vehicle, is engaged in taking on or discharging school children, and to prescribe penalty for violation of said Act.

Delivered to the Governor July 10th, 1935, at 12:30 P. M.

Also:

S. 195. To amend Sections 1601, 1602, 1605, 1606, 1607, 1609, 1610, 1611, 1612, 1616, 1617, 1622, 1623, 1624, 1628, 1631, 1634, 1636, 1637, 1638, 1640, 1642, 1644, 1645, 1647, 1648, 1650, 1652, 1653, 1654, 1655, 1657, 1658, 1659, 1660, 1662, 1664, 1667, 1668, 1670, 1680, 1682, 1683, 1692, 1693, 1698, 1701, 1702, 1703, 1710, 1716, 1719, and 1724 of the Code of Alabama, 1923, relating to the regulation of coal mining in this State.

Delivered to the Governor July 10th, 1935, at 12:30 P. M.

Also:

S. 81. To provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purposes of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years.

Delivered to the Governor July 10th, 1935, at 4:20 P. M.

Also:

S. 81. To provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within

the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purposes of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years.

Delivered to the Governor July 10th, 1935, at 9:30 P. M.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the House amendment to the following Senate bill:

S. 226. To revise and amend an Act entitled "An Act to revise and amend Chapter 20 of the Code of 1907," relating to game and fish laws.

And the Speaker of the House has appointed as conferees on the part of the House Messrs. Chichester, Poole and Quarles.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the thirty-third Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut, Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the thirty-third Legislative day approved by the Senate.

ADJOURNMENT

At 10:05 P. M., on motion of Mr. Mooneyham and pursuant to joint Resolution heretofore adopted, the Senate adjourned until July 30th, 1935, at ten A. M.

THIRTY-FOURTH DAY

Tuesday, July 30th, 1935.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Dr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Glover	Parrish	Taylor
Browder	Goldsmith	Rogers (Mobile)	Thomas
Carlton	Kelly	Russell	Tucker
Chesnut	Kuykendall	St. John	Walden
Cook	Locke	Simpson	Walton
Dorsey	Mixon	Starnes	Weaver
Fletcher	Mooneyham	Stephens	Wellborn
Frazer	McDowell	Swift	Woodall

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JOURNAL

On motion of Mr. Tucker the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Walton:

S. 316. To fix the salaries of the Circuit Judges of the State of Alabama; to provide how the same shall be payable and to further provide when the provisions of this act shall become effective.

Committee of Judiciary.

By Mr. Walton:

S. 317. To provide for the payment of the fees of state's witnesses in criminal cases in the County Court, the Circuit Court and before the Grand Jury in Chambers County, Alabama, out of the general fund of said County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL LEGISLATION

Under and by virtue of the provisions of the Constitution of Alabama, notice is hereby given that the following local Bill applicable only to Chambers County, Alabama, will be introduced in the Legislature of Alabama at the regular session of said Legislature, which convened on January 8, 1935, said Bill being, substantially, in words and figures as follows:

AN ACT

To provide for the payment of the fees of state's witnesses in criminal cases in the County Court, the Circuit Court and before the Grand Jury in Chambers County, Alabama, out of the general fund of said County.

Be It Enacted by the Legislature of Alabama:

Section 1. That witnesses for the State in all criminal cases who attend before the County Court, the Circuit Court, and the Grand Jury of Chambers County, Alabama, shall be entitled to seventy-five cents per day and five cents per mile actually traveled by the most direct route in going to court and returning home.

Section 2. That it shall be the duty of the Clerk of the County Court and the Clerk of the Circuit Court to issue to each state witness attending before said Courts when discharged, a certificate for his or her per diem and mileage in accordance with this Act, and shall keep a record of every such certificate so issued, with its date and number and to whom issued, and party against whom said witness was called and appeared.

Section 3. That every certificate issued in accordance with the provisions of this Act must be paid in cash by the County Treasurer, or by the depository of said County out of the general fund upon presentation, endorsed on the back by the witness to whom issued.

Section 4. That after the passage of this Act that when any person is subpoenaed as a witness before the Grand Jury of said County in a criminal case and procures a certificate of his attendance before said Grand Jury as a witness signed by the foreman of the Grand Jury, said certificate shall be paid in cash upon presentation to the County Treasurer out of the general fund, and when endorsed on the back by the witness to whom issued.

Section 5. That any witness attending on the same day as a witness for the state in more than one case shall only be entitled to pay in one case, and whenever a witness has attended as a witness for the state on the same day in more than one case, the Court may direct in which case a certificate may be issued.

Section 6. That the amount of all state witness certificates issued in any case must on conviction of the Defendant, be taxed against the Defendant, and collected of him as other cost, as is provided by law, and shall be paid into the County Treasury to the credit of the general fund.

Section 7. That if any Section or provision of this Act be held or declared unconstitutional or void, all other provisions hereof shall nevertheless be valid and of force.

Section 8. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 9. That this Act shall become effective immediately upon its approval by the Governor.

STATE OF ALABAMA }
CHAMBERS COUNTY }

Before me, Maymie Landrum, a Notary Public in and for said County and State, personally appeared C. L. Walton, who, being by me first duly

sworn, deposes and says: That he is editor and publisher of The LaFayette Sun, a weekly newspaper of general circulation published at LaFayette, Chambers County, Alabama; that the attached notice relating to the payment of State's witnesses in criminal cases in Chambers County, was published in said newspaper for four consecutive weeks, that is, January 16, 1935, January 23, 1935, January 30, 1935, and February 6, 1935, and that said notice was published without cost to the State of Alabama.

C. L. Walton,

Sworn to and subscribed before me, this the 20th day of April, 1935.

Maymie Landrum,

(SEAL)

Notary Public.

My Commission expires February 11, 1939.

By Mr. Simpson:

S. 318. To amend Section 4 of an Act entitled "An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and/or housing projects; to provide for the creation of such housing authorities; to define the powers and duties of such housing authorities and to provide for the exercise of such powers including the borrowing of money, issuance of bonds and other obligations and the giving of security therefor to provide for the payment of such bonds and other obligations with the approval and consent of a Board to be known as the Public Works Board of Alabama; and to provide for the remedies of bond and other obligation holders of such housing authorities," approved February 8, 1935.

Committee on Rules.

By Mr. Kelly:

S. 319. To provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed.

Committee on Public Roads and Highways.

By Mr. Glover:

S. 320. To create the office of County Solicitor of Washington County, Alabama, to provide for the appointment to fill vacancy in the office, to provide for the election of such County

Solicitor by the qualified voters of said County, to prescribe his powers, duties, and qualifications, to provide for his compensation, to provide how it shall be paid, and to repeal all laws in conflict therewith.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill to be entitled "An Act to create the office of County Solicitor of Washington County, Alabama; to provide for his appointment; to prescribe his powers, duties and qualifications; to provide for his compensation; to fix the term of his office; to provide for his election; the time of the election of his successor, and to repeal all general and local laws in conflict therewith so far as they relate to said County," will be introduced in the present or adjourned session of the Legislature.

L. T. Henson,
Representative from Washington County, Alabama.
H. L. Glover,
State Senator.

STATE OF ALABAMA, WASHINGTON COUNTY.

I, Matt L. Blount, Publisher of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the Act to create the office of County Solicitor of Washington, County, Ala., to provide for his election, to prescribe his duties, etc. as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated July 4th. 1935, and ending with the issue dated July 25th. 1935. I further certify that I have the right and authority to make this affidavit.

Matt L. Blount,
Sworn to and subscribed before me on this, the 27th day of July 1935.

(SEAL)

John Stroud,
Notary Public.

By Mr. Glover:

S. 321. To abolish the office of Deputy Solicitor of Washington county, Alabama, and to provide that such bill shall not affect any general, special or local law, except as herein provided.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill entitled "An Act to abolish the office of Deputy Solicitor of Washington County, Alabama," will be introduced in the present or adjourned session of the Legislature.

L. T. Henson,
Representative from Washington County, Alabama.
H. L. Glover,
State Senator.

STATE OF ALABAMA,
WASHINGTON COUNTY.

I, Matt L. Blount, Publisher of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the Notice to abolish the office of the Deputy Solicitor, of Washington County, Alabama as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated July 4th. 1935, and ending with the issue dated July 25th. 1935 I further certify that I have the right and authority to make this affidavit.

Matt L. Blount.

Sworn to and subscribed before me on this, the 27th day of July 1935.

John Stroud,
Notary Public.

(SEAL)

By Mr. Mixon:

S. 322. To authorize, empower and direct the Town of Muscle Shoals, Alabama, to sell and convey to the United States title to that certain real estate owned by the Town of Muscle Shoals, Alabama, known as the Airport, which is described as follows, to-wit: A tract of land lying in Colbert County, State of Alabama, on the left side of the Tennessee River, approximately three miles South of Wilson Dam, in Township 3 South, Range 10 West, and more particularly described as follows: The SW $\frac{1}{4}$ of Section 32, the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 32. All of the above described land contains 240 Acres, more or less; and, to authorize, empower and direct said Town of Muscle Shoals, Alabama, to make, enter into, execute, and deliver all contracts, deeds, instruments, and other documents necessary and proper to enable said Town of Muscle Shoals, Alabama to convey satisfactory title to the United States of America; to ratify and confirm all contracts heretofore made and entered into by the Town of Muscle Shoals, Alabama, with the United States of America and/or the Tennessee Valley Authority for the sale of said real estate; and to vacate and annul all rights of the public in and to said land.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL ACT

To Whom It May Concern:

Take notice that there will be introduced in the Legislature of Alabama at the regular Adjourned Session beginning April 30, 1935, a Bill in words and figures as follows, which Bill, the Legislature will be requested to Pass.

AN ACT

To authorize, empower and direct the Town of Muscle Shoals, Alabama, to sell and convey to the United States of America title to that certain real estate owned by the Town of Muscle Shoals, Alabama, known as

the Airport, which is described as follows, to-wit: A tract of land lying in Colbert County, State of Alabama, on the left side of the Tennessee River, approximately three miles South of Wilson Dam, in Township 3 South, Range 10 West, and more particularly described as follows: The SW 1-4 of Section 32, the W 1-2 of the SE 1-4 Section 32. All of the above described land contains 240 acres, more or less; and, to authorize, empower, and direct said Town of Muscle Shoals, Alabama, to make, enter into, execute, and deliver all contracts, deeds, instruments, and other documents necessary and proper to enable said Town of Muscle Shoals, Alabama, to convey satisfactory title to the United States of America; to ratify and confirm all contracts heretofore made and entered into by the Town of Muscle Shoals, Alabama, with the United States of America and/or the Tennessee Valley Authority for the sale of said real estate; to vacate and annul all rights of the public in and to said land.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. That the Town of Muscle Shoals, Alabama, a municipal corporation, be and it is hereby authorized, empowered, and directed to sell to the United States of America the real estate owned by said Town of Muscle Shoals, Alabama, known as the Airport and described as follows, to-wit:

A tract of land lying in Colbert County, State of Alabama, on the left side of the Tennessee River, approximately three miles South of Wilson Dam, in Township 3 South, Range 10 West, and more particularly described as follows:

The SW 1-4 of Section 32, the W 1-2 of the SE 1-4 of Section 32.

All of the above described land contains 240 acres, more or less.

Section 2. That said Town of Muscle Shoals, Alabama, be and it is hereby authorized, empowered, and directed to make, enter into, execute, and deliver all contracts, deeds, instruments, and documents necessary and proper to enable said Town of Muscle Shoals Alabama, to convey to the United States of America such title to said real estate as shall be satisfactory to the United States of America. All such contracts, deeds, instruments, and other documents shall be executed in the name of the said Town of Muscle Shoals, Alabama, by the Mayor and attested by the Clerk of said Town.

Section 3. That all contracts heretofore made and entered into by the Town of Muscle Shoals, Alabama, with the United States of America and/or the Tennessee Valley Authority for the purchase and sale of said real estate and all resolutions and ordinances heretofore adopted by the Town of Muscle Shoals, Alabama, in connection with the sale of said real estate be and the same are hereby ratified and confirmed.

Section 4. That said real estate and Airport be and the same shall stand vacated and annulled and all rights of the public thereto and therein relinquished and abandoned.

Section 5. This act shall go into effect immediately upon its approval by the Governor.

STATE OF ALABAMA }
COUNTY OF COLBERT } ss.

Personally appeared before me a Notary Public, in and for said State and County M. C. Giles who, after being duly cautioned and sworn, depose and says as follows:

That he is the Business Manager of the Sheffield Standard, a weekly newspaper in the State of Alabama, County of Colbert, City of Sheffield

and that a notice of a proposed local act, copy of which notice is hereto attached, was published in said newspaper once a week for four consecutive weeks, namely: June 21, 1935, June 28, 1935, July 5, 1935 and July 12, 1935.

M. C. Giles.

Sworn to and subscribed to before me this 25th day of July 1935.

P. B. Harris,

Notary Public.

(SEAL)

S. 323. To make an appropriation for the relief of John W. Abercrombie, former State Superintendent of Education, to reimburse him for money paid into the State Treasury.

Committee on Finance and Taxation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The Alabama Legislature will be requested to reimburse John W. Abercrombie for money which he paid into the State Treasury to cover defalcations of a clerk in the State Department of Education while said Abercrombie was State Superintendent of Education, the amount to be reimbursed being \$2,931.55 with interest at 4.5 per cent per annum from date of said payment.

STATE OF ALABAMA, }
MONTGOMERY COUNTY. }

Before me, T. H. Hurston, a notary public in and for said state and county, personally appeared A. D. Potter who being duly sworn according to law deposes and says that he is Circulation Manager for the Advertiser Company, publishers of the Montgomery Advertiser, and that the advertisement of Notice of bill for the relief of John W. Abercrombie, appeared in said publication on the following dates June 29, July 6, 13, 20, 1935.

A. D. Potter.

Sworn to and subscribed before me this 29th day of July, 1935.

T. H. Hurston,

Notary Public.

(SEAL)

By Mr. McDowell:

S. 324. To fix the salaries of the Chief Justice and Associate Justices of the Supreme Court and Judges of the Court of Appeals; to provide how the same shall be payable and to further provide when the provisions of this act shall become effective.

Committee on Judiciary.

By Mr. St. John:

S. 325. To provide for the extension of the county three mill and county one mill school taxes by the legally qualified voters of a county where such taxes have already expired or will expire before December 31, 1940, to enable the superintendent and board of education to be in better position to take advantage of Federal funds which have been or may be made available for the construction, addition to, alteration, repair, or renovation of needed

school buildings, and to provide the term of extension of such taxes as have not expired, and to legalize taxes already voted.

Committee on Education.

By Mr. Starnes:

S. 926. To declare all toll bridges and toll ferries connected with or forming a part of any State or county public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission like manner as other public utilities are subject to regulation by said Commission under said Act.

Committee on Public Roads and Highways.

By Mr. Stephens:

S. 327. In the interest of economy in the operation of the public schools of the State of Alabama, to authorize county and city boards of education to take steps to refinance warrants or other obligations outstanding for school purposes carrying an interest rate in excess of four and one-half ($4\frac{1}{2}$) per cent.

Committee on Education.

REPORT OF COMMITTEE

Mr. Parrish, Chairman of the Standing Committee on Public Health reported that said committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kelly (with amendment):

S. 308. To provide for the expenditure of funds now or hereafter made available for the conduct of public health work in this State; to provide for the election and compensation of the State Health Officer and to fix his term of office and to provide for the manner of determining compensation of employees of the State Health Department.

By Mr. Tolbert:

H. 300. To prohibit the sale of Barbital, Sulphonethylemethane (Trional) Sulphonmethane (Sulphonol), Diethylsulphon, Kiethylmethane (Tetronal), Paraldehyde and Choral or Choral Hydrate or any of its derivatives, compounds or mixtures of any of these drugs possessing Hypnotic properties or effects, except upon prescriptions of lawfully authorized practitioners of Medicine, Dentistry or Veterinary Medicine.

RESOLUTION

Mr. Simpson offered the following Joint Resolution:

S. J. R. 82. Be IT RESOLVED by the Senate, the House concurring, that the President of the Senate appoint two members and the Speaker of the House appoint three members of a joint committee to be charged with the duty of studying the Social Security Act which it seems will shortly be passed by Congress, with a view of recommending and drafting appropriate legislation to be passed by the Legislature of Alabama to enable Alabama to take full benefit of the Old Age Pension feature and other beneficial parts of the bill.

BE IT FURTHER RESOLVED that the said committee be requested to make this investigation and return its report to the Legislature in time for the legislation to be enacted in this Session.

And on motion of Mr. Simpson the Rules were suspended and the Resolution adopted.

APPOINTMENT OF COMMITTEE

On motion of Mr. Rogers of Mobile, the President of the Senate appointed as a Committee to draft Resolutions of Respect on the death of former Senator Thomas J. Thrower, Messrs. Tucker, McDowell and Bonner.

BILLS ON THIRD READING

The bill:

S. 75. To regulate and prohibit the sale, transfer and possession of machine guns; to fix rules of evidence in the Courts of this State in prosecutions for violations of this act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walton
Chesnut	Mixon	Simpson	Weaver
Dorsey	McDowell	Stephens	Wellborn
Glover	Parrish	Taylor	Woodall
Goldsmith			

—25

Nays:—None.

The bill:

S. 181. For the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof.

Was taken up.

Mr. Walton offered the following amendment to said bill to-wit:

Amend S. 181 by striking from Section 5 of said bill the figures \$1.00 where same occur therein and insert in lieu thereof the figures 65c.

Which was adopted.

Yeas, 27; Nays, 1.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walton
Chesnut	Mixon	Starnes	Weaver
Frazer	Mooneyham	Stephens	Wellborn
Glover	McDowell	Swift	Woodall
Goldsmith	Parrish	Taylor	

—27

Nay: Mr. Dorsey

—1

Mr. Walton also offered the following amendment to said bill to-wit:

Amend S. 181 by striking from section 6 of said bill the figures \$1.00 and inserting in lieu thereof the figures 65c.

Which was adopted.

Yeas, 24; Nay, 1.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walton
Frazer	McDowell	Stephens	Weaver
Goldsmith	Parrish	Swift	Woodall

—24

Nay: Mr. Dorsey.

—1

Mr. Frazer offered the following amendment to said bill to-wit:

Amend S. 181 by striking from Section 5 of said bill the figures 65 cents, where same occur therein and insert in lieu thereof the figures 25 cents.

Mr. Walton moved to lay said amendment on the table, which motion was lost.

Yeas, 13; Nays, 16.

Yeas:

Messrs.:

Bonner	Glover	St. John	Thomas	
Carlton	Goldsmith	Simpson	Walton	
Chesnut	Kelly	Swift	Wellborn	
Cook				—13

Nays:

Messrs.:

Browder	Mixon	Rogers (Mobile)	Tucker	
Dorsey	Mooneyham	Russell	Walden	
Frazer	McDowell	Starnes	Weaver	
Locke	Parrish	Taylor	Woodall	—16

Mr. Browder moved that said bill as amended, together with the pending amendment, be indefinitely postponed.

Mr. Walton moved to table the motion to indefinitely postpone, which motion prevailed and the motion to postpone was tabled.

Yeas, 17; Nays, 13.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Thomas	
Carlton	Kuykendall	Stephens	Walton	
Chesnut	Mooneyham	Swift	Weaver	
Cook	Parrish	Taylor	Wellborn	
Glover				—17

Yeas:

Messrs.:

Browder	Mixon	Russell	Tucker	
Dorsey	McDowell	Simpson	Walden	
Fletcher	Rogers (Mobile)	Starnes	Woodall	
Frazer				—13

The question then recurred on the adoption of the amendment offered by Mr. Frazer and above set out, and the amendment was adopted.

Yeas, 18; Nays, 13.

Yeas:

Messrs.:

Browder	Locke	Russell	Taylor	
Dorsey	Mixon	Simpson	Tucker	
Fletcher	McDowell	Starnes	Walden	
Frazer	Parrish	Stephens	Woodall	
Kuykendall	Rogers (Mobile)			—18

Nays:

Messrs.:

Bonner	Glover	St. John	Walton
Carlton	Kelly	Swift	Weaver
Chesnut	Mooneyham	Thomas	Wellborn
Cook			

—13

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 17; Nays, 14.

Yeas:

Messrs.:

Bonner	Kuykendall	Parrish	Thomas
Carlton	Locke	St. John	Walton
Chesnut	Mixon	Swift	Weaver
Cook	Mooneyham	Taylor	Wellborn
Glover			

—17

Nays:

Messrs.:

Browder	Kelly	Simpson	Tucker
Dorsey	McDowell	Starnes	Walden
Fletcher	Rogers (Mobile)	Stephens	Woodall
Frazer	Russell		

—14

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Douglass:

H. 274. To permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city or town of the State of Alabama; prescribing regulations with reference to the adoption, requirements, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon County Commissioners, Board of Revenue, Election Commission, and other governing boards of the counties, cities and towns; providing for redivision of wards of cities and towns into election districts and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties, cities and towns in which they are used; and providing penalties for violation of the provisions of this act.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 274, to the Committee on Privileges and Eeltcions.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Calhoun:

H. 210. To define the obligation of newspaper employees when called upon to testify before any court, tribunal, commission or inquest.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 210, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 36. To fix the minimum age at which children may enter public schools in Alabama and to repeal all laws, or parts of laws in conflict herewith.

Also:

S. 102. To provide that if, under the terms of any annuity contract or policy of life insurance, or under any written agreement supplemental thereto, issued by any life insurance company, the proceeds, or any part thereof, are retained by such company at maturity, or otherwise, permission is expressly withheld by the terms of such contract, policy or supplemental agreement, no person entitled to any part of such proceeds, or instalments of interest due, or to become due thereon, shall be permitted to commute, anticipate, encumber, alienate or assign the same, or any part thereof, and that no such payment shall be in any way subject to such person's debts, contracts, or engagements, nor to any judicial process to levy upon or attach the same; and to provide, further, that no such company shall be required to segregate such funds, but may hold them as a part of its general corporate funds.

Also:

S. 101. To authorize any person or owner of property to

convey or devise any of his real estate or personal property to another in trust to receive and pay the profits and or income not to exceed Eighteen Hundred (\$1800.00) Dollars annually for the support and maintenance of any child, grandchild, or other relation by blood or marriage, with remainder as the grantor shall provide, during a period of time not exceeding the limits fixed by law as to perpetuities; and the property so conveyed or devised and the income or profits therefrom shall not be liable for or subject to be seized or taken in any manner for the debts of such child, grandchild, or other relation, whether the same be contracted or incurred before or after the grant.

And return same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:—

The House has passed the following Senate bill:

S. 187. To abolish the County Commission of Walker County, and to establish in lieu thereof a Board of Revenue; to provide when said County Commission shall be abolished and said Board of Revenue established; to provide the number of members of said Board of Revenue; to prescribe their terms of office, authority, powers, duties and fix their compensation; to provide for the selection and election of said members, and to repeal all laws and parts of laws in conflict herewith.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

RECESS

At 1:40 P. M., on motion of Mr. Frazer, the Senate took a recess until 3:30 this afternoon.

THIRTY-FOURTH DAY—AFTERNOON SESSION

Tuesday, July 30th, 1935.

The Senate re-assembled at 3:30 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut

Cook
Dorsey
Fletcher
Frazer

Glover
Kelly
Kuykendall
Locke

Mixon
Mooneyham
McDowell
Parrish

Riddle	Simpson	Taylor	Walton
Rogers (Mobile)	Starnes	Thomas	Weaver
Russell	Stephens	Tucker	Wellborn
St. John	Swift	Walden	Woodall

—32

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Russell:

S. 328. To amend Section 365 of Chapter 1 of Article 14 of An Act "To provide for the general revenue of the State of Alabama", approved July 10, 1935.

Committee on Finance and Taxation.

By Mr. Mooneyham:

S. 329. To provide for an Assistant Solicitor in any and all Judicial Circuits of this State composed of one County only, which has a population of not less than 70,000 inhabitants and not more than 98,000 inhabitants according to the last Federal Census or any subsequent Federal Census; to prescribe the duties of such Assistant Solicitor; To fix his term of office, and to provide compensation for said services.

Committee on Local Legislation.

By Mr. Mooneyham:

S. 330. To create in all counties of the State of Alabama which now have not less than seventy-five thousand and not more than one hundred ten thousand inhabitants according to the Federal census of 1930, and which may hereafter have such population according to any Federal census hereafter taken, the office of special officer, to prescribe his duties and the method of his appointment, fix his term of office, and to fix his compensation and prescribe the method of payment thereof.

Committee on Local Legislation.

By Mr. Mooneyham:

S. 331. To repeal an Act approved March 5, 1931, and entitled An Act "To fix the compensation of the Register of the Circuit Court for Ex-Officio Services in all Judicial Circuits in the State which consist of one County and which have more than one and less than three Circuit Judges".

Committee on Local Legislation.

By Mr. Mooneyham:

S. 332. To fix the salary of the Judge of Probate in all Counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal census

or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judges of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said Counties all costs, charges of courts, fees and commissions authorized by law to be collected by said Judge of Probate as other moneys belonging to said counties are paid.

Committee on Local Legislation.

By Mr. Mooneyham:

S. 333. To fix the compensation or salaries and allowances to be paid to Sheriffs in all counties in this State, which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census or any such census which may hereafter be taken where such sheriffs are constitutionally paid upon a salary basis and to regulate the payment of same, and to regulate the office of said sheriff, and to impose additional duties upon said sheriffs and to provide for deputies and other assistance to said sheriffs and the selection and appointment thereof and the manner of fixing their compensation and provide for paying the same, and to provide for the payment of premium of such sheriffs and deputies' bonds, and to authorize, empower and require the courts of county commissioners, Boards of Revenue or other courts of like jurisdiction to provide and furnish the said sheriffs with necessary quarters, books, stationery and other necessities and conveniences to the sheriffs of such counties and to provide for the payment of same.

Committee on Local Legislation.

By Mr. Mooneyham:

S. 334. To fix the compensation or salaries to be paid the tax collectors and tax assessors in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal Census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to re-

quire all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers as other monies belonging to said counties are paid, except any salary, fees or commissions paid said officers for collecting taxes for any municipality.

Committee on Local Legislation.

By Mr. Mooneyham:

S. 335. To fix the salaries to be paid the members of the Courts of County Commissioners or Boards of Revenue and other Courts of like jurisdiction in all counties in this State which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census or any such census which may hereafter be taken, and to regulate the payment of same, to provide for the clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same and to provide rules and regulations for the payment and conduct of such officers.

Committee on Local Legislation.

By Mr. Riddle:

S. 336. To amend the caption and Section 1, Section 2, paragraph (d), Section 3, Section 6, Section 9, Section 11 and Section 16 of an Act entitled, "An Act to authorize the creation of the Rural Electrification Authority of Alabama for the purpose of promoting and encouraging the fullest possible use of electric energy in the State by making electric energy available to certain inhabitants of the State at the lowest cost consistent with sound economy and prudent management; authorizing the Authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation, transmission and distribution of electric energy to carry out the purposes of this Act; providing for the rights, powers and duties of the Authority; authorizing and regulating the issuance of bonds by the Authority; and providing for the payment of such bonds and the rights of the holders thereof, approved February 7, 1935.

Committee on Rules.

By Mr. Walton:

S. 337. To amend Section 4626 of the Code of Alabama of 1923.

Committee on Finance and Taxation.

By Mr. Walton:

S. 338. To amend an Act entitled, "An Act to amend Section 4659 Code of Alabama 1923 (Approved April 20, 1933)".

Committee on Finance and Taxation.

By Mr. Wellborn:

S. 339. To cede to the United States of America exclusive jurisdiction over the Fort McClellan Military Reservation in Calhoun County, Alabama.

Committee on Military.

RESOLUTION

The Rules Committee reported the following Joint Resolution:

S. J. R. 83. RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn to-day they adjourn to meet again on Friday, August 2nd, 1935, at 10 A. M.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

BILL INDEFINITELY POSTPONED

On motion of Mr. Stephens, the Senate indefinitely postponed further consideration of the bill:

S. 256. In relation to the educational system of Alabama to make an appropriation to provide funds for the purpose of paying salaries of public elementary and high school teachers for the remainder of the normal term during the year 1934-35 in the several counties of the State, the cities under 5,000 population, and the State Secondary Agricultural Schools, where all local, State, and Federal funds available for that purpose have been exhausted.

MESSAGE FROM THE HOUSE

Mr. President:—

The House has originated and passed the following bill:

By Mr. Wallace:

H. 600. To abolish the County Board of Education of Clarke County, Alabama; to create in lieu thereof the County School Commission of Clarke County, Alabama; to provide for the appointment and election of the members thereof and to prescribe their duties and powers, terms of office and compensation; to provide for a chairman of said Commission and to repeal all laws in conflict herewith.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

A bill to be entitled an act to abolish the County Board of Education of Clarke County, Alabama; to create in lieu thereof the County School Commission of Clarke County, Alabama; to provide for the appointment and election of the members thereof and to prescribe their duties and powers, terms of office and compensation; to provide for a chairman of said commission and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. That the County Board of Education of Clarke County, Alabama, is hereby abolished.

Section 2. That in lieu of the County Board of Education of Clarke County, Alabama there is hereby created a County School Commission of Clarke County, Alabama, to consist of five members.

Section 3. That immediately upon the passage of this act, the members of the commission shall be appointed by the governor.

Section 4. In the appointment of the members of the County School Commission of Clarke County, Alabama, such members shall be divided into three classes; class one, class two and class three. Class one shall consist of two members who shall hold office until the General Election to be held in 1936 and until their successors are elected and qualified. Class two shall consist of two members who shall hold office until the General Election to be held in 1938 and until their successors are elected and qualified. Class three shall consist of one member who shall hold office until the General Election to be held in 1940 and until his successor is elected and qualified. The governor, in making the appointments, shall designate which members shall constitute class one, which shall constitute class two and which shall constitute class three.

Section 5. At the General Election to be held in 1936, the qualified electors of the county shall elect the successors of the two members whose terms expire which members shall serve for a term of six years or until their successors are elected and qualified. At the General Election to be held in 1938, the qualified electors of the county shall elect the successors of the two members whose terms expire, which members shall serve for a term of six years or until their successors are elected and qualified. At the General Election to be held in 1940, the qualified electors of the county shall elect a fifth member of the commission who shall serve a term of six years or until his successor is elected and qualified.

Section 6. The members of the commission shall be persons of good moral character, with at least a fair elementary education, of good standing in their respective communities, and known for their honesty, business ability, public spirit and interest in the good of public education. No member of the county school commission shall be an employee of the commission.

Section 7. The general administration and supervision of the public schools and of the educational interests of the county, shall be vested in the county school commission.

Section 8. In the event a vacancy occurs in the office of members of the county school commission, the vacancy shall be filled by appointment by a majority of the remaining members of the county school commission and the appointee shall hold for the unexpired term. In the event the vacancy is not filled by the remaining members of the county school commission within thirty days, the State Superintendent of Education shall fill such vacancy by appointment. The county superintendent of education shall notify the State Superintendent of Education when a vacancy in the office of member of the county school commission has not been filled within thirty days.

Section 9. Immediately upon the appointment and qualification, the county school commission shall meet and elect a chairman whose duties it shall be to preside over the meetings of the county school commission, and in a general way act as executive officer of the county school commission. He shall instruct the county superintendent as to the policies of the commission. He shall be entitled to a vote on all questions requiring the majority approval of the county school commission.

Section 10. On the second Tuesday in May of each year the county school commission shall hold a meeting for the purpose of presenting to the commission matters relating to the allotment of public school funds, or any other matter relating to the administration of the public schools of the county.

Section 11. The county school commission shall hold an annual meeting each year on the last Friday in November. At this meeting the commission shall elect each year one of its members to serve as chairman. Other regular meetings shall be held on the last Friday of February, May and September, and such special meetings may be held, and at such place as the duties and the business of the commission may require. The rules generally adopted by deliberative bodies for their government shall be observed by the county school commission. No motion or resolution shall be declared adopted without the concurrence of the majority of the whole commission.

Section 12. The members of the county school commission shall receive from the public school funds of the county five dollars a day and their actual traveling and hotel expenses incurred in attending meetings of the commission, and transacting the business of the commission. The members of the county school commission shall not be allowed pay for more than twelve days in any one year, and their expenses shall be paid in like manner as provided for the compensation of teachers. They shall not be required to hold teachers' certificate.

Section 13. The county school commission may appoint the county superintendent of education as secretary of the county school commission. As secretary, under direction of the county school commission, he shall conduct all correspondence of the commission, keep and preserve all of its records, receive all reports required by the county school commission and see that such reports are in proper form, complete and accurate. He shall have the right to advise on any question under consideration by the county school commission but shall have no vote. In the absence of the county superintendent of education or upon his failure to act, or if in the opinion of the county school commission the best interest of the schools of the county will be served, the county school commission may appoint one of its members to act as secretary. The bond of the county superintendent of education shall be responsible for the faithful performance of duties by the member of the county school commission appointed to act as temporary secretary in the absence of the county superintendent, but if such member is designated permanent secretary, he shall make such bond for the faithful performance of his duties as the commission may require. Such member acting as secretary shall not thereby lose his vote.

Section 14. The county school commission shall elect some suitable person to act as treasurer of all of the public school funds of the county, including funds for county high schools. The county treasurer of school funds shall serve without pay. He shall receive and take charge of any money, fund, or proceeds of any character, which may accrue to the county for public school purposes. He shall pay out all such monies upon the written order of the county school commission, and shall perform such other duties as may be prescribed by law. The county school commission may arrange, if it deems practical and beneficial, for a payment of interest on daily balances of bank deposits of public school funds by the treasurer of the public school funds.

Section 15. All the property, estate, effects, money, funds, claims, and donations now or hereafter vested by law in the public school authorities of Clarke County for the benefit of the public schools of Clarke county, are hereby transferred and vested in the county school commission and

their successors in office. Real and personal estate granted, conveyed, devised or bequeathed for the use of the county in a school district or public school thereof shall be held in trust by the county school commission for the benefit of any such school district or school. The title to all property, effects, rights, money, claims or other rights or privileges heretofore belonging to the County Board of Education of Clarke County, Alabama, are hereby transferred and vested in the County School Commission of Clarke County, Alabama, and said county school commission shall have all the rights, privileges and powers with respect thereto that heretofore have been invested in the county board of education.

Section 16. The county school commission shall maintain a uniform and effective system of public schools throughout the county.

Section 17. The county school commission shall determine the educational policy of the county, and shall prescribe rules and regulations for the conduct and management of the school. The county superintendent of education shall advise and recommend but the action of the county school commission shall control with or without such recommendation.

Section 18. The county school commission shall have the control and supervision of the public school system of the county. The commission shall consult and advise with the superintendent of education, and his professional assistants, with school trustees, principals, teachers, and interested citizens, and shall seek in every way to promote the interest of the schools under its jurisdiction.

Section 19. The county school commission shall appoint all principals, teachers, clerical and professional assistants and all other employees authorized by the commission. The county superintendent of education may recommend to the commission such employees, but the commission shall not be bound by such recommendation. The county school commission may suspend or dismiss for immorality, misconduct in office, insubordination, incompetency or willful neglect of duty, or whenever, in the opinion of the commission, the best interest of the school requires it, principals, teachers, or any other employees or appointees of the commission.

Section 20. The county school commission shall prescribe courses of study for the schools under its jurisdiction, and a printed copy of these courses of study shall be supplied to every teacher and to every interested citizen of the county.

Section 21. The county superintendent of education shall, at the direction of the county school commission, grade and standardize all the schools under its jurisdiction.

Section 22. The county school commission in order to expedite the payment of teachers' salaries and to make possible efficient supervision, shall fix a uniform date each year for the opening of all schools in the county under its jurisdiction, and all schools as far as in the opinion of the county school commission may be practicable, shall open on said date. If for any reason the commission shall permit any schools to open at later date, the reports and records of such schools shall be made so as to conform to the scholastic months, counting from the uniform date hereinabove mentioned.

Section 23. The county school commission, subject to the rules and regulations of the State Board of Education shall cause to be taken, under the direction of the county superintendent of education, a biennial school census of the children in the county between the ages of six and twenty-one inclusive, to be taken in July of each even numbered year, and the county superintendent of education, upon the direction at any time of the state superintendent of education, shall cause the whole or any part of any school census in his county to be retaken.

Section 24. The county school commission shall appoint a sufficient number of enumerators to take the census of the county during the month of July or at such other times as the state superintendent of education shall cause the whole or any part of any school census in the county to be retaken. The county school commission shall fix the compensation of the enumerators taking any school census and shall order them paid out of the treasury of the county. The report of the enumerators shall be made under oath to the chairman of the county school commission not later than the fifteenth day of August next succeeding for the census taken during the month of July, and not later than seven days after the direction of the state superintendent of education where the census or part thereof has been caused by the state superintendent of education to be retaken.

Section 25. The county school commission shall have the right to acquire, purchase, or by the institution of condemnation proceedings if necessary, lease, receive, hold, transmit and convey the title to real and personal property for school purposes. It may sue and contract, all contracts to be made after resolutions have been adopted by the commission and spread upon its minutes. All processes shall be executed by service on the chairman of the commission.

Section 26. The county school commission shall appoint for every school in the county from six discreet, competent and reliable persons of mature years nominated by the patrons of the said school, three persons residing near the schoolhouse, and having the respect and confidence of the community, to serve as trustees of the school, to care for the property, to look after the general interests of the school, and to make to the county school commission report of the progress and needs of the school and of the will of the people in regard to the school.

Section 27. All other powers, rights, privileges and duties heretofore vested in the old county board of education, not in conflict with this act, are hereby transferred to and conferred upon the county school commission and the county school commission is hereby vested with all the authority, duties and privileges heretofore belonging to the county board of education except when in conflict with the provisions of this act, and is hereby required to perform all the duties formerly required of the county board of education except when in conflict with the provisions of this act.

Section 28. If any part, sentence, clause or paragraph of this act be held unconstitutional the same shall not affect the remainder of this act, but such holding shall be limited to such part, sentence, clause or paragraph, so held invalid.

Section 29. All laws or parts of laws in conflict herewith are hereby repealed.

THE STATE OF ALABAMA, }
CLARKE COUNTY. }

Before me, Neva Long, a Notary Public in and for said County and State, appeared G. A. Carleton, known to me to be the editor and owner of The Clarke County Democrat, a newspaper published in Grove Hill, Clarke County, Alabama, who, being sworn, states that notice of intention to introduce bill, which notice is hereto attached and is made a part of this affidavit, was published in said newspaper in its issues of May 2, 9, 16, and 23, 1935.

G. A. Carleton,
Editor and Owner.

Sworn to and subscribed before me, this the 23rd day of May, 1935.

(SEAL)

Neva Long,
Notary Public, Clarke Co., Ala.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 600, to the Committee on Local Legislation.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 36. To fix the minimum age at which children may enter public schools in Alabama and to repeal all laws, or parts of laws in conflict herewith.

S. 101. To authorize any person or owner of property to convey or devise any of his real estate or personal property to another in trust to receive and pay the profits and or income not to exceed Eighteen Hundred (\$1800.00) Dollars annually for the support and maintenance of any child, grandchild, or other relation by blood or marriage, with remainder as the grantor shall provide, during a period of time not exceeding the limits fixed by law as to perpetuities; and the property so conveyed or devised and the income or profits therefrom shall not be liable for or subject to be seized or taken in any manner for the debts of such child, grandchild, or other relation, whether the same be contracted or incurred before or after the grant.

S. 102. To provide that if, under the terms of any annuity contract or policy of life insurance, or under any written agreement supplemental thereto, issued by any life insurance company, the proceeds, or any part thereof, are retained by such company at maturity, or otherwise, permission is expressly withheld by the terms of such contract, policy or supplemental agreement, no person entitled to any part of such proceeds, or installments of interest due, or to become due thereon, shall be permitted to commute, anticipate, encumber, alienate or assign the same, or any part thereof, and that no such payment shall be in any way subject to such person's debts, contracts, or engagements, nor to any judicial process to levy upon or attach the same; and to provide, further that no such company shall be required to

segregate such funds, but may hold them as a part of its general corporate funds.

S. 187. To abolish the County Commission of Walker County, and to establish in lieu thereof a Board of Revenue; to provide when said County Commission shall be abolished and said Board of Revenue established; to provide the number of members of said Board of Revenue; to prescribe their terms of office, authority, powers, duties and fix their compensation; to provide for the selection and election of said members, and to repeal all laws and parts of laws in conflict herewith.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

BILLS OF THIRD READING

The bill:

S. 19. To authorize declaratory judgments in courts of record of the State of Alabama and to provide for the procedure in connection therewith.

Was taken up.

The Standing Committee on Judiciary reported the following substitute for said bill to-wit:

A BILL

To be entitled An Act to provide that courts of record of the State of Alabama shall have the power to render declaratory judgments and to provide for practice and procedure in such cases.

SECTION 1. SCOPE. Courts of record within their respective jurisdictions shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.

SECTION 2. POWER TO CONSTRUE, ETC. Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status or other legal

relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise and obtain a declaration of rights, status, or other legal relations thereunder.

SECTION 3. BEFORE BREACH. A contract may be construed either before or after there has been a breach thereof.

SECTION 4. EXECUTOR, ETC. Any person interested as or through an executor, administrator, trustee, guardian, or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust, in the administration of a trust, or of the estate of a decedent, an infant, lunatic, or insolvent, may have declaration of rights or legal relations in respect thereto:

(a) To ascertain any class of creditors, devisees, legatees, heirs, next of kin, or others; or

(b) To direct the executors, administrators, or trustees to do or abstain from doing any particular act in their fiduciary capacity; or

(c) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings.

SECTION 5. ENUMERATION NOT EXCLUSIVE. The enumeration in sections 2, 3 and 4 does not limit or restrict the exercise of the general powers conferred in section 1, in any proceeding where declaratory relief is sought, in which a judgment or decree will terminate the controversy or remove an uncertainty.

SECTION 6. DISCRETIONARY. The court may refuse to render or enter a declaratory judgment or decree where such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceedings.

SECTION 7. REVIEW. All orders, judgments, and decrees under this act may be reviewed as other orders, judgments, and decrees.

SECTION 8. SUPPLEMENTAL RELIEF. Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application therefor shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment or decree, to show cause why further relief should not be granted forthwith.

SECTION 9. JURY TRIAL. When a proceeding under this act involves the determination of an issue of fact, such issue may be tried and determined in the same manner as issues of fact are tried and determined in other civil actions in the court in which the proceeding is pending.

SECTION 10. COSTS. In any proceeding under this act the court may make such award of costs as may seem equitable and just.

SECTION 11. PARTIES. When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party, and shall be entitled to be heard, and if the statute, ordinance, or franchise is alleged to be unconstitutional, the attorney-general of the state shall also be served with a copy of the proceeding and be entitled to be heard.

SECTION 12. CONSTRUCTION. This act is declared to be remedial; its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations; and is to be liberally construed and administered.

SECTION 13. WORDS CONSTRUED. The word "person", wherever used in this act, shall be construed to mean any person, partnership, joint stock company, unincorporated association or society, or municipal or other corporation of any character whatsoever.

SECTION 14. PROVISIONS SEVERABLE. The several sections and provisions of this act, except sections 1 and 2, are hereby declared independent and severable, and the invalidity, if any, of any part or feature thereof shall not affect or render the remainder of the act invalid or inoperative.

SECTION 15. UNIFORMITY OF INTERPRETATION. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and to harmonize, as far as possible, with federal laws and regulations on the subject of declaratory judgments and decrees.

SECTION 16. SHORT TITLE. This act may be cited as the Uniform Declaratory Judgment Act.

SECTION 17. TIME OF TAKING EFFECT. This act shall take effect upon its enactment.

Which was adopted.

Yeas, 25; Nay, 1.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut

Cook
Fletcher
Glover
Goldsmith

Kelly
Kuykendall
Mixon
McDowell

Rogers (Mobile)
Russell
St. John
Simpson

Stephens	Taylor	Tucker	Weaver	
Swift	Thomas	Walden	Wellborn	
Frazer				—25

Nay: Mr. Parrish —1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:				
Bonner	Glover	McDowell	Taylor	
Browder	Goldsmith	Parrish	Thomas	
Carlton	Kelly	Rogers (Mobile)	Tucker	
Chesnut	Kuykendall	Russell	Walden	
Cook	Locke	St. John	Weaver	
Dorsey	Mixon	Simpson	Wellborn	
Frazer	Mooneyham			—26

Nays:—None.

The bill:

S. 161. For the relief of R. H. Leverett, and to appropriate for the use of the said R. H. Leverett, the sum of three hundred forty-eight dollars for the loss and destruction of one 1933 model Ford V8 car, which was wrecked on account of a defective bridge on January 13, 1935, on the Waverly highway, near LaFayette, Alabama.

Was taken up.

Mr. Walton offered the following amendment to said bill to-wit:

Amend Senate Bill No. 161 by striking from said bill the figures \$348.00 where same occur and add in lieu thereof the figures \$225.00.

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:				
Bonner	Fletcher	McDowell	Stephens	
Browder	Goldsmith	Parrish	Taylor	
Carlton	Kuykendall	Russell	Thomas	
Chesnut	Locke	St. John	Walton	
Cook	Mixon	Simpson	Weaver	
Dorsey	Mooneyham	Starnes	Wellborn	
				—24

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 2.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Stephens
Browder	Kuykendall	Rogers (Mobile)	Taylor
Carlton	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Dorsey	Mooneyham	Simpson	Walton
Fletcher	McDowell	Starnes	Weaver
Frazer			

—25

Nays: Messrs.: Goldsmith and Walden.

—2

The bill:

To authorize cities, towns and counties of Alabama to acquire sites for, and to acquire, establish and maintain, Public Museums, and Art Galleries, and to Authorize the Administration thereof by Instrumentalities selected by the governing bodies of such cities, towns and counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	McDowell	Stephens
Browder	Goldsmith	Parrish	Swift
Carlton	Kelly	Riddle	Taylor
Chesnut	Kuykendall	Russell	Thomas
Cook	Locke	St. John	Walton
Dorsey	Mixon	Simpson	Weaver
Fletcher	Mooneyham	Starnes	Wellborn

—28

Nays:—None.

The bill:

S. 241. To amend an Act entitled an Act to amend Section 1255 of the Code of Alabama, 1923, approved July 22, 1931.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 1.

Yeas:

Messrs.:

Bonner	Frazer	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Kuykendall	St. John	Walden
Chesnut	Locke	Simpson	Walton
Cook	McDowell	Swift	Weaver
Dorsey	Parrish	Taylor	Wellborn

—24

Nay: Mr. Stephens

—1

The bill:

H. 720. To amend an Act of the Legislature of Alabama entitled "An Act to provide for the election of a County Superintendent of Education for Autauga County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the terms and compensation of such officers; approved July 17, 1931, and found on pages 197 and 198 of Local Acts, 1931."

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walton
Cook	Mixon	Starnes	Weaver
Dorsey	McDowell	Swift	Woodall
Fletcher	Parrish		

—26

Nays:—None.

The bill:

H. 719. For the relief of Guy Rice, Solicitor for Autauga County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walton
Cook	Mixon	Starnes	Weaver
Dorsey	McDowell	Swift	Woodall
Fletcher	Parrish		

—26

Nays:—None.

The bill:

S. 85. To provide for the relief of Hubert B. Sims, and to make an appropriation therefor.

Wat taken up.

The Standing Committee on Finance and Taxation reported the following amendments to-wit:

Amendment to S. 85:

Amend S. 85, by striking out Section 1 of said bill and insert in lieu thereof the following:

"Section 1. That the State Comptroller be and is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the said Hubert B. Sims for the sum of Twelve

Hundred dollars (\$1200.00), and which warrant shall be paid by the State Treasurer out of any funds for the maintenance or construction of highways in the State, not otherwise appropriated."

Mr. Wellborn moved that said bill and the pending amendment be re-referred to the Committee on Finance and Taxation.

Mr. Carlton moved to table the motion to recommit, which motion prevailed and the Senate refused to recommit said bill.

The question then recurred on the adoption of said committee amendment, and the amendment was adopted.

Yeas, 25; Nays, 3.

Yeas:

Messrs.:

Bonner	Frazer	Parrish	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mooneyham	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Fletcher			

—25

Nays: Messrs.: Mixon, Swift and Wellborn.

—3

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 5.

Yeas:

Messrs.:

Bonner	Fletcher	McDowell	Taylor
Browder	Frazer	Parrish	Thomas
Carlton	Kelly	Rogers (Mobile)	Tucker
Chesnut	Kuykendall	Russell	Walton
Cook	Locke	St. John	Weaver
Dorsey	Mooneyham	Starnes	

—23

Nays:

Messrs.:

Goldsmith	Swift	Walden	Wellborn
Simpson			

—5

The bill:

S. 74. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

Was taken up.

The Standing Committee on Judiciary reported the following amendment to said bill to-wit:

Amend Senate bill 74:

1. By striking from said bill Section 3 thereof.

By striking from Section 7 of said bill the words and figures, "The fee for issuing such license shall be 50c (Fifty Cents) which fee shall be paid into the State Treasury."

2. Amend by adding at the end of Section 22 the following additional words: viz., "This Act does not, however, repeal Section 3485 of the Code of Alabama nor any other law now in effect forbidding the carrying of concealed weapons but is cumulative thereof."

3. Amend Section 7 by inserting just after the words, "The Sheriff of a County", where the same first occur together therein, the following additional words: viz, "A Judge of the Circuit Court".

Which was adopted.

Yeas, 16; Nays, 6.

Yeas:

Messrs.:

Bonner	Cook	Parrish	Taylor
Browder	Dorsey	Russell	Tucker
Carlton	Kelly	Simpson	Walden
Chesnut	Kuykendall	Starnes	Weaver

—16

Nays:

Messrs.:

Goldsmith	McDowell	Wellborn	Woodall
Locke	Walton		

—6

Mr. Kelly offered the following amendment to said bill to-wit:

Amend Section 5 of S. 74 so as to read as follows:

Section 5. CARRYING PISTOL. No person shall carry a pistol, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided.

Which was adopted.

Yeas, 17; Nays, 7.

Yeas:

Messrs.:

Bonner	Dorsey	Parrish	Tucker
Browder	Kelly	Russell	Walden
Carlton	Kuykendall	Simpson	Weaver
Chesnut	Mooneyham	Taylor	Wellborn
Cook			

—17

Nays:

Messrs.:

Goldsmith	McDowell	Thomas	Woodall
Locke	Starnes	Walton	

—7

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 17; Nays, 9.

Yeas:

Messrs.:

Bonner	Dorsey	Mooneyham	Tucker
Browder	Fletcher	Russell	Walden
Chesnut	Kelly	Simpson	Weaver
Carlton	Kuykendall	Swift	Wellborn
Cook			

—17

Nays:

Messrs.:

Frazer	McDowell	Taylor	Walton
Goldsmith	Starnes	Thomas	Woodall
Locke			

—9

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 83. Resolved by the Senate, the House concurring, that when the two Houses adjourn to-day they adjourn to meet again on Friday, August 2nd, 1935, at 10 A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the thirty-fourth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the thirty-fourth Legislative day approved by the Senate.

ADJOURNMENT

At 5.30 P. M., on motion of Mr. Mooneyham and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Friday, August 2nd, 1935, at 10 A. M.

THIRTY-FIFTH DAY

Friday, August 2nd, 1935

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Rev. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Glover	Russell	Thomas
Browder	Kelly	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Cook	Mooneyham	Stephens	Weaver
Dorsey	McDowell	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall
Frazer	Rogers (Mobile)		

—30

JOURNAL

On motion of Mr. Walton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Mooneyham, leave of absence was granted Mr. Goldsmith for to-day.

On motion of Mr. Carlton, leave of absence granted Dr. Parrish for to-day.

On motion of Mr. Bonner, leave of absence was granted Mr. Kuykendall for to-day.

INTRODUCTION OF BILLS

Upon a call of district bills were were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Carlton:

S. 340. To pay the city of Demopolis for paving on public highway.

Committee on Finance & Taxation.

By Mr. Carlton:

S. 341. To amend Section 540 of the Code of Alabama of 1923.

Committee on Privileges and Elections.

By Mr. Nixon:

S. 342. To amend an Act approved Feb. 18, 1927, Acts 1927, page 45, entitled; "An Act to amend Section 4039 of the Code of 1923.

Committee on Revision of Laws.

By Mr. Nixon:

S. 343. To amend Section 6771 of the 1923 Code of the State of Alabama.

Committee on Finance & Taxation.

By Mr. Browder:

S. 344. For the promotion of the state program of vocational education in agriculture, home economics, and trades and industries, and the training of teachers of vocational subjects under rules and regulations proposed by the State Board of Education within the provisions of the Alabama State Plan for Vocational Education, which is a cooperative agreement between the State Board of Education and the Office of Education of the United States Department of the Interior, and to make an appropriation therefor.

Committee on Finance & Taxation.

By Mr. Browder:

S. 345. For the further promotion of the vocational rehabilitation, physical restoration, and care and treatment of crippled individuals, and for the promotion of the vocational rehabilitation of persons physically disabled in industry or otherwise and for their return to civil employment, and to make an appropriation therefor.

Committee on Finance & Taxation.

By Mr. Browder:

S. 346. For providing medical, surgical, corrective and other services, care and treatment, and facilities for diagnosis, hospitalization, and after-care for children who are crippled or who are suffering from conditions which lead to crippling and to make an appropriation therefor.

Committee on Finance & Taxation.

By Mr. Starnes:

S. 347. To abolish the office of County Treasurer for St. Clair County, Alabama, and to establish a County Depository in lieu of County Treasurer for St. Clair County, Alabama, to provide for security of County funds in such depository, and to prescribe the duties of such depository; to provide for payment of all County funds to the depository and the method thereof; to provide for the designation of a County Treasurer and his duties and compensation, if the Court of County Commissioners of St. Clair County, Alabama, shall be unable to secure a depository as herein provided.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

To Whom It May Concern:

Notice is hereby given that a bill substantially as follows will be introduced at the present session of the Legislature of Alabama, for passage or enactment into law.

A BILL TO BE ENTITLED AN ACT

To abolish the office of County Treasurer for St. Clair County, Alabama, and to establish a County Depository in lieu of County Treasurer for St. Clair County, Alabama, to provide for security of County funds in such depository, and to prescribe the duties of such depository; to provide for payment of all County funds to the depository and the method thereof; to provide for the designation of a County Treasurer and his duties and compensation, if the Court of County Commissioners of St. Clair County, Alabama, shall be unable to secure a depository as herein provided.

Be it Enacted by the Legislature of Alabama:

Section 1. That on or after the passage and approval of this Act the office of County Treasurer for St. Clair County be and the same is hereby abolished.

Section 2. That on or after the passage and approval of this Act it shall be the duty of the Court of County Commissioners of St. Clair County to select by order spread upon its minutes, a bank incorporated under the laws of this State, or a National Bank, as a depository for all County funds. Such Bank shall secure all deposits of County funds by adequate bond to be fixed and approved by the Court of County Commissioners, or by the deposit of solvent bonds belonging to such bank, such security to be not less than Ten Thousand (\$10,000.00) Dollars, or such other sum as the Court of County Commissioners shall fix having due regard to the safety of the County funds.

Section 3. The depository herein provided is charged with the following duties:

A—To receive and keep the money of the County and disburse the same as herein provided, or as maybe provided by law.

B—Such depository shall pay out no money of the County except on warrants drawn upon it in the name of the Court of County Commissioners of St. Clair County, Alabama, signed by the presiding Judge of said Court and countersigned by one of the members of the Court of County Commissioners of said Court.

C—To number and register in the order in which they are presented all warrants which have been drawn upon the several funds of the County, such registration showing the number, date and amount of each warrant, to whom payable, the date presented and the fund upon which drawn, and except it is otherwise provided by law to pay the same in the order of registration.

D—Upon the registration of a warrant the depository shall endorse thereon the number and date of registration.

E—To keep a correct amount of the receipts and disbursements of all money received by it for the County, charging itself with all monies so received of whom, on what account, and the amount, and crediting itself with all payments.

F—To submit to the Court of County Commissioners at the first term of each year, and on such other occasions as requested by the Board, the registered claims against the several funds, its accounts balanced since the last previous statement, and vouchers for payment.

Section 4. After the selection and qualification of such depository all funds belonging to the County shall be paid by the officers collecting the same to said depository, and such officers shall file depository receipts

with the Court of County Commissioners for such deposits. Such depository shall not be paid any compensation for its service as such, but the Court of County Commissioners may pay the premium on any bond that may be required to secure the safe keeping of the County funds.

Section 5. If said Court of County Commissioners shall be unable to secure a depository as herein provided, then said Court may designate some individual to act as County Treasurer, as provided by the general law relating to County Treasurers, except as the same may be modified by local laws relating to St. Clair County, at a salary not to exceed \$360.00 per annum.

Section 6. All laws and parts of laws, general and special, in conflict with this Act are hereby repealed.

Section 7. This Act shall take effect upon its passage and approval by the Governor, the public good requiring it.

W. T. Starnes.

STATE OF ALABAMA,
ST. CLAIR COUNTY.

Before me, a Notary Public, in and for said State and County personally appeared F. W. White, the publisher of The Pell City News, a newspaper published at Pell City, Ala., in said county, and who being duly sworn deposes and says that the foregoing notice hereto attached has been regularly published once a week for 4 consecutive weeks in said paper.
dates May 30, June 6-13-20, 1935.

Sworn to and subscribed before me this the 15 day of July, 1935.

(Seal)

F. W. White.
Rose Garry,
Notary Public.

By Mr. Mooneyham :

S. 348. To exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama, and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed.

Committee on Finance & Taxation.

By Mr. Browder :

S. 349. To authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State.

Committee on Finance & Taxation.

By Mr. Rogers (Mobile) :

S. 350. To amend Section 4768 of the Code of Alabama of 1923.

Committee on Temperance.

REPORTS OF COMMITTEES

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate

with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Weaver:

S. 261. To create a Legislative Reference Bureau, to provide for the appointment of a director thereof, to fix the qualifications, salary, term of office, and duties of such director, to provide for the appointment of regular and temporary employes of the Bureau and the manner of fixing their compensation, to provide adequate appropriations for the support of the Bureau and for the payment of the expenses thereof, to provide offices for the Bureau, hours of keeping open, and assistance by other state departments and institutions, to fix the powers and duties of the Bureau, to provide for written requests for services and to protect the confidential character thereof, and to limit or prohibit certain practices on the part of the Director or of any employee of the Bureau.

By Mr. Russell:

S. 328. To amend Section 365 of Chapter 1 of Article 14 of An Act "To provide for the general revenue of the State of Alabama," approved July 10, 1935.

Mr. Carter, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walton (with notice and proof):

S. 317. To provide for the payment of the fees of state's witnesses in criminal cases in the County Court, the Circuit Court and before the Grand Jury in Chambers County, Alabama, out of the general fund of said County.

By Mr. Glover (with notice and proof):

S. 320. To create the office of County Solicitor of Washington County, Alabama, to provide for the appointment to fill vacancy in the office, to provide for the election of such County Solicitor by the qualified voters of said County, to prescribe his powers, duties, and qualifications, to provide for his compensation, to provide how it shall be paid, and to repeal all laws in conflict therewith.

By Mr. Glover (with notice and proof):

S. 321. To abolish the office of Deputy Solicitor of Washington county, Alabama, and to provide that such bill shall not affect any general, special or local law, except as herein provided.

By Mr. Mixon (with notice and proof):

S. 322. To authorize, empower and direct the Town of Muscle Shoals, Alabama, to sell and convey to the United States of America title to that certain real estate owned by the Town of Muscle Shoals, Alabama, known as the Airport, which is described as follows, to-wit: A tract of land lying in Colbert County, State

of Alabama, on the left side of the Tennessee River, approximately three miles South of Wilson Dam, in Township 3 South, Range 10 West, and more particularly described as follows: The SW $\frac{1}{4}$ of Section 32, the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 32. All of the above described land contains 240 acres, more or less; and, to authorize, empower and direct said Town of Muscle Shoals, Alabama, to make, enter into, execute, and deliver all contracts, deeds, instruments, and other documents necessary and proper to enable said Town of Muscle Shoals, Alabama to convey satisfactory title to the United States of America; to ratify and confirm all contracts heretofore made and entered into by the Town of Muscle Shoals, Alabama, with the United States of America and/or the Tennessee Valley Authority for the sale of said real estate; and to vacate and annul all rights of the public in and to said land.

By Mr. Mooneyham:

S. 329. To provide for an Assistant Solicitor in any and all Judicial Circuits of this State composed of one County only, which has a population of not less than 70,000 inhabitants and not more than 98,000 inhabitants according to the last Federal Census or any subsequent Federal Census; to prescribe the duties of such Assistant Solicitor; To fix his term of office, and to provide compensation for said services.

By Mr. Mooneyham:

S. 330. To create in all counties of the State of Alabama which now have not less than seventy-five thousand and not more than one hundred ten thousand inhabitants according to the Federal census of 1930, and which may hereafter have such population according to any Federal census hereafter taken, the office of special officer, to prescribe his duties and the method of his appointment, fix his term of office, and to fix his compensation and prescribe the method of payment thereof.

By Mr. Mooneyham:

S. 331. To Repeal an Act approved March 5, 1931 and entitled an Act "To fix the compensation of the Register of the Circuit Court for Ex-Officio Services in all Judicial Circuits in the State which consist of one County and which have more than one and less than three Circuit Judges."

By Mr. Mooneyham:

S. 332. To fix the salary of the Judge of Probate in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal Census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regu-

lations for the payment and conduct of such Judges of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties, all costs, charges of courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.
By Mr. Mooneyham:

S. 333. To fix the compensation or salaries and allowances to be paid to Sheriffs in all counties in this State, which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census or any such census which may hereafter be taken where such sheriffs are constitutionally paid upon a salary basis and to regulate the payment of same, and to regulate the office of said sheriff, and to impose additional duties upon said sheriffs, and to provide for deputies and other assistance to said sheriffs and the selection and appointment thereof and the manner of fixing their compensation and provide for paying the same, and to provide for the payment of premium of such sheriffs and deputies' bonds, and to authorize, empower and require the courts of county commissioners, Boards of Revenue or other courts of like jurisdiction to provide and furnish the said sheriffs with necessary quarters, books, stationery and other necessities and conveniences to the sheriffs of such counties and to provide for the payment of same.
By Mr. Mooneyham:

S. 334. To fix the compensation or salaries to be paid the tax collectors and tax assessors in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal Census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers as other monies belonging to said counties are paid, except any salary, fees or commissions paid said officers for collecting taxes for any municipality.
By Mr. Mooneyham:

S. 335. To fix the salaries to be paid the members of the Courts of County Commissioners or Boards of Revenue and other

Courts of like jurisdiction in all counties in this State which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census or any such census which may hereafter be taken, and to regulate the payment of same, to provide for the clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same and to provide rules and regulations for the payment and conduct of such officers.

By Mr. Wallace (with amendment) (with notice and proof):

H. 600. To abolish the County Board of Education of Clarke County, Alabama; to create in lieu thereof the County School Commission of Clarke County, Alabama; to provide for the appointment and election of the members thereof and to prescribe their duties and powers, terms of office and compensation; to provide for a chairman of said Commission and to repeal all laws in conflict herewith.

By Mr. Cox, (with notice and proof):

H. 612. To amend an Act Entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his terms of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" approved April 11, 1933. (Local acts 1933, No. 136, Senate Bill 203-Duncan) By Mr. Robertson (Cullman) (with notice and proof):

H. 721. To provide for the compulsory inspection by Federal and/or State Inspectors of all Strawberries offered for shipment in Cullman County, Alabama; to provide for the proper marking of crates and containers used for the transportation of Strawberries, and to provide penalties for the violation of the provisions of this Act.

By Mr. Staples (with notice and proof):

H. 401. To fix and regulate the salary to be charged or received by the tax collector of Mobile County; to provide for assistants to the said tax collector, and their compensation; to fix and regulate the method and basis of payment and collection of such salary of the tax collector and compensation for his assistants; to provide that such salary shall be in lieu of all other compensation, fees, commissions or emoluments; to declare the provisions of existing law, touching the commission of tax collectors for collecting general and special and school taxes, inapplicable to Mobile County; and to provide for the payment, into the County Treasury of Mobile County, of certain moneys, fees and penalties that were heretofore part of the compensation, emoluments and perquisites of the office of Tax Collector of Mobile County, Alabama.

Mr. Bonner, Chairman of the Standing Committee on Temperance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kelly:

S. 225. To repeal Section 5540 of the Code of Alabama of 1923.

By Mr. Lusk:

H. 577. To permit the playing of tennis, golf, baseball and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in cities and towns of the State which now have or may hereafter have a population of not less than One Thousand inhabitants nor more than Sixty Thousand inhabitants, according to the last or any subsequent Federal Census and within the police jurisdiction thereof; to provide that the governing body of any such city or town may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city or town, and to provide for holding of other and subsequent elections on such acts and for cost thereof.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 719. For the relief of Guy Rice, Solicitor for Autauga County, Alabama.

Also:

H. 720. To amend an Act of the Legislature of Alabama entitled "An Act to provide for the election of a County Superintendent of Education for Autauga County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the terms and compensation of such officers; approved July 17, 1931, and found on pages 197 and 198 of Local Acts, 1931."

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 217. To provide for the observance and celebration of the One Hundredth Anniversary of the Founding of Prattville, Alabama; to appoint a commission to carry out the purposes of this Act and to appropriate the sum of Five Thousand Dollars (\$5000.00) or so much thereof as may be necessary to pay the expenses of said celebration in the event that the Federal Congress shall pass an Act or Joint Resolution providing for the observance and celebration of said Anniversary.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

BILLS ON THIRD READING

The bill:

H. 300. To prohibit the sale of Barbitol, Sulphonethylemethane (Trional) Sulphonmethane (Sulphonol), Diethylsulphon, Kiethylmethane (Tetronal), Paraldehyde and Choral or Choral Hydrate or any of its derivaties, compounds or mixtures of any of these drugs possessing Hynotic properties or effects, except upon prescriptions of lawfully authorized practioners of Medicine, Dentistry or Veterinary Medicine.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	McDowell	Thomas
Browder	Glover	Russell	Tucker
Carlton	Kelly	Simpson	Walton
Chesnut	Locke	Starnes	Weaver
Cook	Mixon	Stephens	Wellborn
Dorsey	Mooneyham	Taylor	Woodall
Fletcher			

—25

Nays:—None.

The bill:

S. 308. To provide for the expenditure of funds now or hereafter made available for the conduct of public health work in this State; to provide for the election and compensation of the State Health Officer and to fix his term of office and to provide for the manner of determining compensation of employees of the State Health Department.

Was taken up.

The Standing Committee on Public Health reported the following amendment to said bill, to-wit:

Amend Section 2 of S. B. 308 by striking out the words and figures; "\$7500.00 per annum" where they appear together in the

last line of said section and inserting in lieu thereof the following:
 "the salary paid to the Chief Justice of the Supreme Court."

Which was adopted.

Yeas, 20; Nays, 4.

Yeas:

Messrs.:

Browder	Kelly	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Stephens	Walton
Cook	McDowell	Taylor	Weaver
Glover	Russell	Thomas	Woodall

—20

Nays:

Messrs.:

Dorsey	Frazer	Locke	Wellborn
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—4

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 4.

Yeas:

Messrs.:

Browder	Locke	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Glover	Russell	Taylor	Woodall
Kelly			

—21

Nays:

Messrs.:

Dorsey	Frazer	Walden	Wellborn
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—4

The bill:

S. 123. To provide that in all counties in this State having a population of not less than one hundred thousand or more than two hundred fifty thousand according to the last or any subsequent Federal census the probate judges in such counties shall be required to look after, protect against trespassers, and rent any real estate bid in by the state at tax sale and to investigate sales of real estate for taxes and bid in for the state, to notify parties at interest in such real estate, of such sale, to secure redemption or sale of property subject to sale at private sale by the state and to provide that such probate judges shall have the powers and perform the duties now or hereafter by law conferred upon or required of land agents in such counties; to require said judges of probate to collect and pay into the county treasury of said counties all costs, fees and commissions authorized by law to be charged for the performance of said services; and to provide that in all of said

counties no land agent or other agent shall be appointed to perform any of said duties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Thomas
Browder	Kelly	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Weaver
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	Rogers (Mobile)	Taylor	Woodall
Frazer			

—25

Nays:—None.

RESOLUTIONS

Messrs. Bonner, McDowell and Tucker offered the following Senate Resolution:

S. R. 84. BE IT RESOLVED BY THE SENATE:

Thomas James Thrower, of Bradleyton, born November 22, 1873, in Crenshaw County, was the son of Stephen Sion and Mannie (Oliver) Thrower, the former a native of Crenshaw County who lived at Bradleyton from its founding until his death, a physician, farmer and merchant who served four years in the Confederate State's Army; the grandson of Thomas Whitfield and Ellen (Lawrence) Thrower.

Senator Thrower was educated in the public school and attended Marion Military Institute. After completing his education he returned to his native county and engaged in agricultural pursuits. Throughout his life he took an active part in the development of his County and the welfare of its people. He served as Chairman of the Board of County Commissioners from 1913 to 1916; a member of Board of Registrars eight years and its Chairman for four years. He served as Justice of the Peace for sixteen years. He was elected to the State Senate from the Twenty-Fourth Senatorial District, comprising the counties of Coffee, Crenshaw and Pike, and served in this capacity until his death, which occurred July 12, 1935. He served with honor and distinction and kept the faith reposed in him by the people of his District.

WHEREAS, Senator Thrower departed this life in the full vigor of manhood, and his District and the State have lost a faithful and honorable public servant;

THEREFORE, BE IT RESOLVED, that in the death of Senator Thomas James Thrower, the Senate of Alabama is deprived of a wise counsellor, and we pause to pay tribute to his memory;

BE IT FURTHER RESOLVED, that this resolution be spread upon the Journal of the Senate as a perpetual memorial to him, and the Secretary of the Senate send a copy of the same to his family and copies to be sent to the press of his District.

And on motion of Mr. Rogers of Mobile, the Rules were suspended and the resolution unanimously adopted by a rising vote.

Mr. Kelly offered the following Joint Resolution:

S. J. R. 85. BE IT RESOLVED by the Senate, the House concurring, that when the two Houses adjourn today they adjourn to meet again at 10 o'clock Tuesday, August 6th, 1935.

And on motion of Mr. Kelly, the Rules were suspended, and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Welch:

H. 737. To create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a County wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein; to create a Citizen Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such Counties; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel and over such counties and municipalities therein; to provide for payment of the expenses of each such agency and for a division of such expense between the county affected and the municipalities therein; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

With notice and proof thereto attached and herewith exhibited as follows:

To whom it may concern:

Take notice that it is the intention to apply to the Legislature of Alabama at its regular session during the year 1935 for the passage of an Act the substance of which is substantially as follows:

A BILL TO BE ENTITLED AN ACT

To create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a County wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel and over such counties and municipalities therein; to provide for payment of the expenses of each such agency and for a division of such expense between the county affected and the municipalities therein; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Be it enacted by the Legislature of Alabama:

Section 1. Definitions. In this Act words used in the masculine gender include the feminine and neuter genders and words used in the neuter gender include the masculine and feminine genders. The following words, terms and phrases, wherever used in this Act, shall have the meanings respectively ascribed to them in this Section unless the context plainly indicates a contrary meaning:

"Commission," The Citizens Supervisory Commission.

"Board" or "The Board," The Personnel Board created hereby.

"Municipality" or "Such Municipality" or "City." A village, town or city duly incorporated and not excepted, excluded or excused from the operation of this Act and within a County subject to this Act.

"County," "The County," "Said County" or "Such County." A County within the population class prescribed by this Act.

"Appointing Authority." Or "Appointing Power." Person, officer, board, council, commission or other body whose lawful jurisdiction or powers are confined wholly or primarily within the territorial limits of such county and who or which possesses final power to appoint persons to services, jobs, offices or positions, the compensation of which is paid in whole or in part from the public funds of such county or from the public funds of a municipality in such county subject to this Act.

"Employee" or "Appointee." Persons in the classified service herein set up and appointed by an Appointing Authority, unless herein specifically excepted.

Section 2. Personnel Board created and the extent of its authority defined. There is hereby created and established, in and for each separate county of the State of Alabama which has a population of two hundred thousand or more people according to the last Federal Census and also for each county of the State of Alabama which shall hereafter come into such population class according to any subsequent Federal Census, a Personnel Board for the government and control by Civil Service rules and regulations and practices hereinafter set out or authorized of all employees and appointees of such counties and the municipalities therein and of each and every appointing authority therein and such Board is now given and vested with such power, authority and jurisdiction. Provided, however, that such Board shall not govern or control the employee or appointees of a city or county Board of Education, nor of a city and/or County Board of Health nor of a city and/or county Library Board, except in so far and to such extent only as such

Board of Education, Board of Health or Library Board may by resolution duly filed with the Personnel Board, request, and the Personnel Board, by like resolution, consent to govern and control. Provided, however, that any municipality in such county with a population according to the then last Federal Census of less than twelve thousand five hundred people may, by resolution of its governing body duly filed with the Personnel Board, request that it be excepted and excluded from the provisions of this Act, and the Personnel Board, shall thereafter cease to administer this Act to the employees of such municipality until such time as the governing body of such municipality may rescind such resolution or until such municipality shall, according to a subsequent Federal Census become a municipality with a population of more than twelve thousand five hundred people. Provided further, that this Act shall in no event be construed to apply to a person engaged in the profession of teaching or in supervising teaching in the public schools nor to officials elected by vote of the people nor to the judge of any court, nor to the County Attorney, nor the Chief of the Fire Department or the Chief of Police of any city nor to the Chief Deputy Sheriff of any county nor to the Personnel Director nor to common laborers engaged exclusively in unskilled labor. It is provided further, that where there are two County sites or County Court House sites maintained in one County and a county officer or officers are required to maintain an office in one Court House and a branch or subsidiary office in the other of said Court House, the Chief Deputies of all elective officers in charge of such branch office shall be exempt from the provisions of this Act. It is hereby provided that in the event a Chief of Police, Chief of Fire Department of any city that may come under this Act or Chief Deputy Sheriff of any county that may come under this Act, who is in office when this Act goes into effect or who shall later be promoted from lower grades or classifications, in the Police, Fire, or Sheriff's Department of such city or county, to one of such offices, and shall thereafter be removed, for any cause except a cause involving moral turpitude, from such office, such removed officer shall have the option to return to the grade, classification or position in such department which he occupied before being appointed to such office of Chief of Police, Chief of Fire Department, or Chief Deputy Sheriff.

Section 3. Membership of Personnel Board. Said Personnel Board shall consist of three members designated respectively as Member Number One, Member Number Two and Member Number Three, each of whom shall be over 21 years of age, of recognized character and ability, a bona fide resident and qualified voter of such county and shall not, when appointed, nor for the three years then last past before the date of his appointment have held public office or political party office, nor have been a candidate for such and who shall not directly or indirectly have solicited membership on such Board, provided that in any county which is or may hereafter be divided by law into two divisions for the trial of cases in the Circuit Court of such county, not more than two members of the Board shall be residents of the same division.

The Board shall meet once a month on dates to be fixed by its rules and regulations and as much oftener as shall be necessary for the orderly dispatch of its business. The members of the Board shall be selected for the following terms and in the following manner:

Members Number One, Two and Three shall be appointed within thirty days after this Act shall become a law in all counties now subject thereto by the Citizens Supervisory Commission of such County, which Commission shall likewise appoint their successors. In all counties hereafter becoming subject to the provisions of this Act said Board shall be appointed as soon as it is determined that such County is in the population class subject to this Act.

Member Number One who shall be Chairman of the Board shall hold office for a term of two years beginning on the date this Act becomes effective in such County and until his successor is appointed and has qualified. His successors shall hold office for terms of six years each beginning at the ends of the legal terms as distinguished from the possible holdover terms of their respective predecessors.

Member Number Two shall hold office for a term of four years beginning on the date this Act becomes effective in such County and until his successor is appointed and has qualified. His successors shall hold office for terms of six years each beginning at the end of the legal terms, as distinguished from the possible hold-over terms, of their respective predecessors.

Member Number Three shall hold office for a term of six years beginning on the date this Act becomes effective in such County and until his successor has been appointed and has qualified. His successors shall hold office for terms of six years each beginning at the ends of the legal terms, as distinguished from the possible hold-over terms, of their respective predecessors.

In the event of a vacancy on the Board occasioned by death, resignation, impeachment or other cause, such vacancy shall be filled by the Citizens Supervisory Commission for the then unexpired term.

Each Member shall receive ten dollars for each meeting of the Board attended by him provided no Member shall receive more than forty dollars compensation during any one month. This compensation shall be paid as salaries of County employees are paid on the warrant of the Member claiming such compensation.

Section 4. Citizens Supervisory Commission. There is hereby created and vested with the powers hereinafter set out a Citizens Supervisory Commission of not less than five persons for each County subject to this Act which shall consist of the persons, who now are and who from time to time shall be

(1) The Judge or Judges of the District Court or District Courts of the United States, for the District or Districts having exclusive or concurrent territorial jurisdiction of such county or the largest part thereof, provided he or they be residents of such county.

(2) The Presidents or other chief executive officers, by whatever name called, of the two institutions of higher learning, if there be any, in such county, having the greatest number of bona fide resident students.

(3) The President or other Chief Executive Officer of the Association, Group or Society, if there be one, in such county, comprising within its membership at least fifty-five per cent of the licensed, practicing physicians resident in such county and provided that not less than ninety per cent of the membership of such Association, Group or Society shall consist of licensed physicians and provided that any reputable citizen of such county who shall be licensed by the State of Alabama to practice medicine and who shall have paid his state and county license fee to practice, shall under the rules of such Association, Group, or Society, be eligible to membership therein.

(4) The President or other Chief Executive officer of the trades council, Group, Society or Association, if there be one in such county or in any city in such county subject to this Act, with which is affiliated more than one-half of the unions or other organizations of the workers in the organized trades and crafts in such county or city, provided that no union or other labor organization shall be counted for the purposes of this Act as affiliated with more than one such trades Council, Group, Society or Association in such county or city, and provided that no council, group, society, or association shall be recognized unless it was in existence and properly functioning six months prior to the time this Act becomes effective in such county and provided that if there be no Council, Group, Society, or Association in such

county or city, with which is affiliated more than one half of the unions or other organizations of the workers in the organized trades and crafts in such county or city, then the Council, Group, Society or Association having the largest affiliation of such unions or organizations shall be here designated. It is contemplated that one Member be seated for any county-wide Council, Group, Society or Association or one for each such city organization if there be no county-wide organization of the character described.

(5) If there be in such county as many as three or more trades, crafts, groups or divisions of workers who are organized into what are commonly known as labor unions or organizations whose organizations are not affiliated with the trades Council, Group, Society or Association described in the subparagraph (4) immediately preceding this subparagraph, then such organized crafts, groups or divisions of workers may in any manner agreeable to the majority of the presidents or other chief executive officers of the locals of such non-affiliated labor organizations located in such county select one of such presidents as a member of the Citizens Supervisory Commission who shall remain a member of such Commission as long as his electors shall designate. This Sub-paragraph shall be applicable solely to the County as a whole and not as to the separate cities therein.

(6) The President or other Chief Executive officer of the Chamber of Commerce or other most nearly similar organization of each city subject to this act in such county, provided that by "Chamber of Commerce" is meant an organization, in existence six months prior to the time this Act becomes effective in such county, to membership in which any reputable man engaged in mercantile, manufacturing, banking, jobbing or similar businesses is eligible, and which, most nearly of all organizations in such city, regardless of name, performs the functions of such organizations as are commonly known as Chambers of Commerce.

(7) The President or other Chief Executive officer of the Junior Chamber of Commerce or other most nearly similar organization of each city subject to this Act in such county, provided that by Junior Chamber of Commerce is meant an organization substantially similar to Chambers of Commerce as defined hereinbefore, except that membership therein may be restricted by an age qualification, and provided that such organization must have been in existence for six months in such city when this Act became effective therein, and if there be no organization in such city substantially like a Junior Chamber of Commerce, representation for such city under this classification shall fail.

(8) The President, Chairman or other chief executive officer of any County-wide Council, Group, Society or Association of Camps of United Confederate Veterans. By a Camp of United Confederate Veterans is meant a local organization with its meeting place in such County of persons who are residents of Alabama and who actually served as soldiers or sailors in the army or navy of the Confederate States of America or State of Alabama for or during the period of War between the States. If at any time there be no such County-wide organization of such Camps, then the President, Chairman, Commander or other chief executive officer of the Camp in the County which as of the first day of January of each year has the largest bona fide membership.

(9) The President, Chairman, or other chief executive officer of any County-wide Council, Group, Society or Association of Camps of United Spanish American War Veterans. By a Camp of United Spanish American War Veterans is meant a local organization with its meeting place in such county of persons who are residents of Alabama and who actually served as soldiers, sailors or marines in the armed services of the United States of America for or during the period of war between the United States and Spain. If at any time there be no such County-wide organization of such

camps, then the President, Chairman, Commander or other chief executive officer of the camp in the county which as of the first day of January of each year has the largest bona fide membership.

(10) The President, Chairman, or other chief executive officer of any County-wide Council, Group, Society or Association of Posts of the American Legion. By Post of the American Legion is meant a local organization with its meeting place in such county of persons who are residents of Alabama and who actually served as soldiers, sailors or marines in the armed services of the United States of America for or during the period of the World War. If at any time there be no such County-wide organization of such Posts, then the President, Chairman, Commander or other chief executive officer of the Post in the County which as of the first day of January of each year has the largest bona fide membership.

(11) The President or other chief executive officer by whatever name called, of each city-wide Parent-Teacher Association in each city subject to this Act and which city is not excused or excluded herefrom by act of its governing body as herein provided.

(12) The Probate Judge of such county.

In the event one or more of the foregoing persons fail or refuse to serve, such fact shall not invalidate the acts of the commission, provided as many as five members of the commission serve.

The Citizens Supervisory Commission shall meet and organize in each county to which this Act is applicable when passed in the main court house of such county, at twelve o'clock noon on the second Tuesday after this Act shall have been signed by the Governor or become a law by other process, and in all counties subsequently coming into the population class to which this Act is applicable, on the second Tuesday after official publication of the Federal Census establishing such population at like hour and place.

The Probate Judge shall be both temporary and permanent Chairman of said Commission and shall have a vote only in case of a tie. He shall also examine and pass upon the credentials and right of each person presenting himself for membership on said Commission to sit thereon both at the organizational meeting and at all subsequent meetings. At the organizational meeting all persons ruled eligible by him to sit on said commission shall be seated as such and shall vote on all questions arising at such meeting. At any time after the organizational meeting has adjourned, any citizen of such county may file with the Chairman of the Commission written objection to the right of any person to sit on said Commission. Such objection shall be based on the sole ground that such persons is not one of those designated by this Act for membership on such commission. The Chairman shall rule upon said objection in writing and the first order of business at the next meeting of the Commission shall be a report by the Chairman of the objection and his ruling thereon. If no member of the Commission other than the person affected by such ruling appeals from the ruling of the Chairman, his ruling shall be final; if any appeal is made from the ruling of the Chairman, all persons then seated, except the member affected, shall be entitled to vote on said appeal. In all matters a majority vote of the Commission present, if a quorum be present, shall govern. The Commission shall, except as herein otherwise provided, be the judge of the qualifications of its own membership. The Commission shall adopt, from time to time, such rules, regulations and modes of procedure as it deems expedient to enable it to dispatch in an orderly manner its business. The Chairman may call upon the Sheriff of the county or any deputy sheriff thereof, to attend the meetings of the Commission and preserve order and execute the decisions, rulings, and orders of the Commission and of the Chairman thereof. The Chairman may punish for contempt of the Commission in like manner and extent as may be done by the Circuit Courts of this State.

The Chairman of the Commission shall be the keeper and custodian of the minutes, records, property and paraphernalia of the Commission, and may call upon the Director of Personnel to furnish him such clerical assistants, supplies and place of safe deposit for such records and property as he deems necessary. These expenses and the cost of giving notice of meetings shall be paid as other expenses of the personnel system are paid.

The Probate Judge shall discharge his duties hereunder, under the sanction of his oath as Judge of Probate and he shall administer the oath of office to the other members of such Commission prescribed by Section 279 of the Constitution of this State.

The Chairman or the Director of Personnel under his supervision shall establish and keep in the office of the Director of Personnel a roster of the membership of the Commission by place, office or position, and keep as nearly as possible up to date the changes in the persons occupying such places, offices or positions and it shall be the duty of each person vacating a place, office or position which entitled him to a seat on such Commission to notify the Chairman of the name and address of the person who in his opinion is, under the law, his successor on such Commission.

In addition to the original organizational meeting here prescribed, the Commission shall meet once each year to receive the annual report of the Personnel Board and to make such recommendations to the Board as it shall seem in the interest of the sound administration of this Act in such county and to elect a successor to any member of the Personnel Board whose term will expire before the next annual meeting of the Commission. Such annual meeting shall be held at noon on the Tuesday of each year which is nearest to a date 30 days prior to the anniversary of the enactment of this Act. Where Two Tuesdays are equi-distant, therefrom, then on the first of such Tuesdays.

The Chairman of the Commission on any five members thereof may call a meeting of the Commission at the court house at the County site of the County, at noon on any Tuesday they deem it in the public interest for it to meet. Such notice shall be signed by the person or persons calling such meeting and shall state briefly the purposes of the meeting; shall be mailed to each person registered as a member of the Commission or known to be such and published once each day for three consecutive days immediately preceeding such meeting in some daily newspaper published in such County; if no such paper is published in the County, then by posting in a public place in the main and each branch Court House in the County and in the City Hall of each City in the County subject to this Act, more than five days before such proposed meeting. Notice of the annual meeting shall be given in like manner, but failure of any member to receive notice by mail of any such meeting, either annual or special, shall not invalidate it. Failure to call an annual meeting shall not invalidate it.

A majority of the persons serving as members of the Commission shall constitute a quorum to do business but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by the rules and regulations of the Commission.

Section 5. Alternate method of selection of Board. In the event the Citizens Supervisory Commission shall fail for any reason whatsoever to elect the Personnel Board or to fill any vacancy thereon, then and in that event within thirty days thereafter such Board shall be elected or vacancy filled by the delegation consisting of the members of the House of Representatives and Senate representing such County or the district in which it lies in the Legislature of Alabama. Such action shall be taken at a public meeting which shall be called by a majority of such delegation and held at the Court House at the county site of such county. Each member of such

delegation shall be given three days' written notice of the purpose, time and place of holding such meeting by the members calling it. At such meeting a majority of the members of such delegation shall constitute a quorum for the transaction of any business coming before the meeting, except that the affirmative vote of at least one-half of the members of such delegation shall be necessary to elect a member of such Personnel Board.

Thereafter the vacancies occurring on said Personnel Board shall be filled in the manner herein prescribed as they occur and the duties herein elsewhere laid upon the said Citizen Supervisory Commission are hereby imposed upon the member or members of the Legislature and Senate to be performed as herein prescribed.

Section 6. Creation of office of Director of Personnel. The office of Director of Personnel is hereby created for each county affected by this Act. The Board shall elect and fix the salary of the Director who shall hold office at the will of the Board. After the second year during which a County shall be subject to this Act the Director shall be a bona fide resident of such County and a voter thereof and his salary shall not exceed \$4,200.00 per year. The Director's salary shall be payable monthly upon the warrant of the Board signed by two members thereof, drawn upon the treasury or depository of the county and shall be paid out of the general funds of the county. The Director of Personnel shall act as secretary at Board meetings, and shall be the Board's executive officer, but shall not have a vote in determining the Board's policy. He shall perform such duties as are assigned to him by the Board. He shall not be eligible to appointment or election to any public office in any County or City whose personnel he shall have assisted in administering within three years after the date he shall have ceased to be such Personnel Director.

Section 7. Duties of Personnel Director. The Director of Personnel, subject to the provisions of this Act and approval of the Personnel Board, shall:

(1) Subject to the approval of the Board appoint or remove such subordinates as may be necessary to administer a scientific and economical personnel system and fix their compensation. If at any time the Citizens Supervisory Commission recommends that the number of such subordinates or their compensation be reduced, such recommendation shall be immediately put into effect.

(2) Prepare and submit to the Board for its consideration and approval such forms, rules and regulations as are necessary to carry out the provisions of this act, including rules governing examinations, appointments, suspensions and/or dismissals, certification of eligibles reduction in force, sick leave, leave of absence, resignations, reinstatements, promotions, demotions, transfers, salary adjustments, and any and all other rules and regulations necessary for administering a scientific and economical personnel or Civil Service system. Such rules and regulations must be approved by a two-thirds majority of the Personnel Board before becoming effective after which they shall have the force and effect of law unless they are contrary to the provisions of this Act.

(3) Classify or direct the classification of all positions to be held under either municipal or county authority in accordance with the provisions of this Act and in accordance with the duties attached to such positions.

(4) Grade and classify all positions in the County and in each city in the county and for each appointing authority with respect to salary to the end that each employee shall receive the same compensation as all other employees of the county or city from which he receives his compensation receive for the same grade and class of service.

(5) Establish, with the written approval of the Board, minimum and maximum salary limits for each grade and classification of positions, pro-

vided that the governing body of each county and municipality affected hereby must, before it becomes effective, approve the salary schedule effective as to each classification and grade of employment paid, in whole or in part, out of the funds of such county or municipality, and may from time to time, raise or lower such compensation schedules as apply to such county or municipality to such extent as its financial condition and other circumstances may warrant. Nothing herein contained however shall enable a county or municipality to so change or modify a salary as to make the change effective with respect to less than all employees in a given grade or class or so as to affect differently employees in the same grade and classification. If the governing body or an appointing authority fails for thirty days either to raise or lower a salary schedule submitted to it in writing by the personnel director with the approval of the Board, its failure to act shall be taken as, and have the effect of approval.

(6) Provide, by proper rules, regulations and orders, subject to approval by the Board, for the advancement of salary within each grade on the basis of efficiency and length of service. Such salary schedules, classes and grades may from time to time be amended, added to, consolidated or abolished. Any appointing power authorized by law to fix the compensation of an employee or appointee, subject to the provisions of this Act, must so fix said compensation in accordance with the classification and salary schedule herein provided and the question of whether or not the employee has been referred to the proper grade and classification shall be a matter subject to the decision of the Board.

(7) When the classification is completed and the compensation schedule for each appointing authority determined by the Personnel Board and approved by the County or Municipality affected all employees receiving a salary in excess of the maximum for the class and grade in which they are employed shall be reduced by the appointing authority to or below the maximum; those receiving a salary less than the minimum for the class and grade in which they are employed shall be increased to or above the minimum, provided there are sufficient funds available.

Section 8. Examinations. The Director of Personnel shall prepare or cause to be prepared and administered, examinations to determine the merit, efficiency and fitness of applicants for positions, shall determine the relative weight which shall be allowed for a written examination, for oral examinations, for training and experience and shall prepare properly classified eligible lists from the applicants so examined. Said examinations shall be thorough and practical.

The examinations shall relate to those matters which fairly test the relative capacity and fitness of the person examined to discharge the duties of the position he seeks. In the case of laborers not engaged exclusively in unskilled labor and subject to this Act, the Director of Personnel may rate the applicants solely on experience, physical qualifications and diligence which may be determined by such evidence and in such manner as is directed by the Personnel Board. Such applicants may be required to take such further tests as the Director of Personnel with the approval of the Personnel Board, deems necessary. The Director of Personnel shall prepare a list of minimum requirements which the applicants must possess before they are eligible to participate in any specific examination. The Director of Personnel shall require an applicant to file in the Personnel Office, in accordance with the rules and regulations, a formal application before he is admitted to any examinations. Blank forms for such applications will be furnished by the Director of Personnel upon the payment of one dollar and fifty cents examination fee, which fee shall be paid into the county treasury. The Director of Personnel may require in connection with applications, such evidence of residence, citizenship and right to vote and certificates of physicians, public officers, former employers or associates or others having knowledge of the ap-

plicant as the good of the service may require. The Director of Personnel may refuse to examine, or after examination refuse to certify as eligible anyone who is found to lack any of the established minimum requirements for the examination or position for which he applies or who is physically so disabled as to be rendered unfit to perform the duties of the position to which he seeks appointment or who has been guilty of crime involving moral turpitude or infamous or disgraceful conduct or who has been dismissed from the public service for delinquency or misconduct or who has intentionally made a false statement of any material fact or practiced or attempted to practice any deception or fraud in his application, in his examination or in securing his eligibility. Any person appointed to a position under the provision of this Act who has secured his place on the eligible list through fraud shall be removed by the appointing officer and shall not thereafter be eligible for examination for any position under the provisions of this Act except by unanimous permission of the Personnel Board. When the position to be filled involves fiduciary of financial responsibility or law enforcement, the appointing power or the Personnel Board may require the applicant to furnish a reasonable bond or other security in an amount and form to be fixed by the appointing authority subject to the approval of the Board provided that where the amount and terms of such bonds are now prescribed by law, such provisions of law shall remain in effect. Said bond or security shall be approved by the appointing power and kept by it and conditioned as it prescribes unless otherwise now provided by law.

Section 9. Frauds concerning examination prohibited. No person shall wilfully or corruptly make a false mark, grade, estimate or report on an examination or with respect to the proper standing of any person examined under this chapter or wilfully or corruptly make any false representation concerning the same or concerning any person examined or furnish to anyone special or secret information for the purpose of improving or injuring the prospects or chances of the appointment, employment or promotion of any person so examined or to be examined. Any person guilty of any of the above acts shall be deemed guilty of a misdemeanor.

Section 10. Enforcement. The Director of Personnel shall, in accordance with the policy of the Personnel Board, enforce the provisions of this act and the rules and regulations prescribed by the Personnel Board. Any Act of the Director complained of shall be subject to review by the Board upon the written request to the Board of the person at interest.

Section 11. Minutes. The Director of Personnel shall keep the minutes of the official actions of the Personnel Board.

Section 12. Efficiency records. The Director of Personnel shall obtain, rate and preserve the records of individual efficiency of all persons holding positions under the provisions of this Act. Such ratings will be submitted on forms prescribed by the Director of Personnel and will be made by the Department heads of their supervising officers, or both in accordance with regulations prescribed by the Personnel Board. Such efficiency ratings shall constitute grounds for:

(a) Increase in the rate of compensation for employees who have not attained the maximum rate for the class to which their positions are allotted;

(b) Continuance at the existing rate of compensation without increase or decrease;

(c) Decrease in the rate of compensation for the employees who are receiving more than the minimum rate for the class to which their positions are allocated;

(d) Promotion, demotion, lay-off, transfer or dismissal.

Section 13. Investigations: The Director of Personnel shall make investigations and report to the Personnel Board upon all matters touching the enforcement and the effect of the provisions of this act and the rules and regulations prescribed thereunder. He may inspect all places of employment

and services affected by this act in order to ascertain and advise with the heads of the various departments concerning their methods of handling those matters affecting employees in the service, such as hours of work, attendance, training, working conditions, morale, and in order to ascertain whether the provisions of this Act and all such rules and regulations promulgated thereunder are obeyed. The Director of Personnel, in the course of such investigations, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production of books, papers, documents, and accounts pertaining to the subject under investigation. All hearings and investigations made by the Director of Personnel shall be governed by this Act and by rules of practice and procedure adopted by the Personnel Board, and in conducting such investigations he shall not be bound by the technical rules of evidence. No informality in any proceedings or in the manner of taking testimony by the Director of Personnel shall invalidate any order, decision, rule or regulation made by him and approved or confirmed by the Personnel Board.

Section 14. Survey of necessity for personnel. The Director of Personnel shall have authority to investigate concerning the number of employees in any department or office and if in his judgment, after conference with the department head, there are an excessive number of employees in proportion to the amount of work required in such department or office, he shall recommend to the Personnel Board that the excess number of employees be laid off or transferred either permanently or temporarily in accordance with the provisions of this Act and the appointing authority shall put into effect the orders of the Personnel Board in such respect. He shall also study the organization and procedure of the different departments and suggest to the heads of the departments such changes in procedure as may increase efficiency or enable the organization to carry on its work more economically and with a reduced staff.

Section 15. Official roster. The Director of Personnel shall keep in the Personnel Office an official roster of all persons holding positions under the provisions of this Act and shall enter thereon the name of each person who has been appointed to, promoted, reduced, transferred, reinstated, or removed from or left any position and require such evidence as may be deemed satisfactory as to whether such person was appointed to, promoted, reduced, transferred, reinstated or removed from such position in accordance with the provisions of this Act and the rules and regulations of the Personnel Board thereunder, and as to when and why and how such action was taken. The official roster shall show opposite or in connection with each name the date of appointment, promotion, reduction, transfer, or reinstatement, rate of compensation of the position, the date of commencement of service and change in or separation from position, and when and why and how such change or separation occurred.

Section 16. Status of present employees: The names of all employees or appointees holding positions, at the time of the taking effect of this Act which if vacant, would be filled under the provisions of this Act, and who have held such positions for a period of twenty-four months prior to the date this Act becomes effective shall be entered in said roster and shall be deemed appointed under the provisions of this Act and to have acquired permanent civil service status in the grade and classification held at the time this Act becomes effective in such county. All employees or appointees holding such positions who have served in such positions a less period than two years and more than twelve months shall be deemed to have been appointed under the provisions of this Act and to be serving their probationary period. After such employees or appointees have served satisfactorily in such position for a period of two years, they will be considered to have attained permanent civil service status. All employees or appointees who have served satisfactorily in such positions for less than twelve months shall be deemed

temporary appointees and will be required to take and pass appropriate examinations or be replaced by other applicants who have taken and passed such examinations. Whenever the appointment or employment of new or additional officers or employees of such counties, municipalities or appointing authorities, therein, is hereafter authorized by law, such officers or employees shall be subject to the provisions hereof and included within the county and municipal civil service unless of a class excepted herein.

Section 17. Duties of County and Municipal Officials. It shall be the duty of all elective officials in authority of either the counties or municipalities affected by this Act to aid in all proper ways in carrying into effect the provisions of this Act and the rules and regulations prescribed from time to time thereunder, and especially at the request of the Director of Personnel to allow him the use of public buildings and heat and lights for the purpose of conducting examinations of applicants and investigations as provided by this Act.

Section 18. Legal services for Board. If this Act or its enforcement by the Personnel Board shall be called into question in any judicial proceeding, or if any person, county or municipality shall fail or refuse to comply with the lawful orders or directions of the Personnel Board, such Board may call upon the county or city attorney of any county or city subject to its control or may employ independent counsel to represent it in sustaining this Act and its enforcement thereof and the compensation of such independent counsel shall be paid as other employees of the Board are paid.

Section 19. Method of making appointments. The appointing power shall make appointments to all positions that are not filled by a promotion, reinstatement, transfer or demotion in accordance with the provisions of this Act and the rules and regulations in pursuance thereof. The appointing power shall notify the Director of Personnel on forms prescribed by him of any vacancy to be filled, giving an itemized statement of the duties to be performed and a definite statement as to the need for the position. The Director of Personnel with the approval of the Personnel Board will determine the need for the position and will classify the position in accordance with its duties and responsibilities. In case there is either a departmental or general layoff list, the Director of Personnel will certify from such list in the same manner as certification is made from the general eligible list.

The Director of Personnel will if the Board determines there is a need for the position then certify to the appointing power the names and addresses of the three persons standing highest on the eligible list for the class or grade to which the position belongs but in case there are less than three on such eligible list, he shall certify the whole number of persons thereon and the appointing power shall fill the position by the appointment of one of the persons so certified. Provided that where residence qualifications are prescribed by the appointing power, only those having such residence qualification, or if more than three have same, then the three highest having such qualification shall be certified. The term of eligibility shall be fixed for each eligible list at not less than one year. Appointments shall be made from the eligible list more nearly appropriate for the position to be filled and a new list shall be created for a stated position or a group of positions only when there is no appropriate list existing from which appointments may be made. It shall be the duty of the appointing power to report to the Director of Personnel immediately on forms prescribed by him, the name of the person appointed and the date that such appointment is to become effective and any other information required. No person shall be appointed under any title not appropriate to the duties of the position to which he is appointed except by the consent of the Director of Personnel. All appointments shall be made for a probationary period of twelve months. Unless such appointee shall have been dismissed within such probationary period by the appointing power for reasons stated in writing and filed with the Di-

rector of Personnel, which action shall not be reviewable, his appointment shall become permanent subject to the provisions of this Act as to removals, suspensions, and changes. When the appointing officer selects one of the three eligibles certified, the names of the two remaining eligibles shall be returned to the eligible list for certification to the next vacancy which may occur. The name of an applicant may be removed from the eligible list after it has been certified and refused three times.

Section 20. Local citizens appointed. The appointing authority in all cases not excepted or exempted under the provisions of this Act or of the Constitution of the State, shall fill positions in the county or municipalities herein by appointment, including cases of transfer, reinstatement, promotions, and demotions, in strict accordance with the provisions of this Act and the rules and regulations prescribed from time to time hereunder and not otherwise. Provided, that the appointing authority must require that a vacancy be filled from among citizens of the territory to be served by such appointee or employee.

Section 21. Vacations. All employees of either the county or municipality affected by this Act shall be allowed two weeks vacation with pay for each complete year of service. The time for such vacation shall be determined by the appointing officer except that the employee, if a vacation has not been allowed him during his year of service, may demand that he be given the last two weeks of his service year. No vacations shall be cumulative.

Section 22. Sick leave. The Director of Personnel will submit to the Personnel Board rules and regulations governing the administration and the amount of sick leave with pay which may be allowed each permanent employee in either a municipality or county affected by this Act.

Section 23. Temporary appointments. When there is no eligible list from which a position may be filled the appointing power may, with the consent of the Director of Personnel, fill such position by temporary appointment and such temporary appointment shall not continue for a longer period than three months nor shall successive temporary appointments be made to the same position under this section without the previous consent of the Personnel Board and in no case shall any person hold a position under successive temporary appointment for a longer period than six months.

Section 24. Promotions. Within the discretion of the Director of Personnel, vacancies in positions shall be filled, in so far as practicable by promotion from among employees holding positions in the next lower grade. Promotion shall be based upon merit and competition and upon the superior qualifications of the person promoted as shown by his records of efficiency.

Section 25. Reinstatements and Transfers. The Director of Personnel may authorize the transfer of any person legally holding a position to a similar position in the same class or grade under the same appointing authority, or to a similar position in the same class or grade under a different appointing authority provided that in such new place such person will be paid by the same county or city as before the transfer and with the approval of the Personnel Board, may provide for the reinstatement within two years of persons separated from positions without fault or delinquency on their part if within that time there is need for their services. A resigned employee cannot demand reinstatement, but this may be granted him at the request of the appointing authority, with the approval of the Personnel Board.

No promotion, transfer, or reinstatement shall be made from a position in one class to a position in another class nor shall a person be transferred to or reinstated in a position for original entrance to which there is required by this Act or the rules and regulations thereunder, an examination involving essential tests or qualifications different from or higher than those required for original entrance to the position held by such person except that such

person takes and successfully passes such examinations as are prescribed by the Director of Personnel and approved by the Personnel Board.

Section 26. **SALARY ADJUSTMENTS.** All adjustments either upward or downward of salaries for employees or appointees of either the municipalities or the counties or the appointing authorities affected by this Act shall be made only at the request of the head of the department, with the recommendations, favorable or unfavorable, of the Director of Personnel, and with the final approval of the governing body of the county or municipality affected. Such adjustments shall be based on efficiency and length of service.

Section 27. **TENURE OF OFFICE.** The tenure of every person holding office under the provisions of this Act shall be during good behavior, and the rendering of efficient service, but any such person may, provided sufficient cause is shown, be removed, demoted, suspended without pay or with reduced pay, transferred to another position in the same class, reprimanded, or if suspended, restored to his position with such pay as may be equitable under a procedure in conformity with the provision of this Act which shall be set up by the Personnel Board in its rules and regulations. Sufficient cause as used in this section shall mean any cause which is detrimental to the public service other than political, racial or religious.

The appointing power or other officer or person in charge of the employee, or any person or citizen of the county or municipalities affected by this Act or member of the Board, may file charges against any person employed under the provisions of this Act, for dismissal or other corrective action. Such charges must be made in writing and clearly state the specific act or acts of the employee constituting such cause, the original of which shall be immediately filed with the Board and a copy served upon the accused employee either by personal service or by registered mail. The charges filed against an employee must also inform him of the time and manner in which, under the provisions of this section and the rules and regulations of the Board, he must answer to such charges and ask for a hearing or investigation. The employee shall have ten days in which to file with the Board a written answer to or explanation of the charges, and to request an investigation or hearing, and a copy of such answer, explanation or request shall at once be mailed by the Board to the appointing power or other officer or person who has made the charges. Within ten days after the filing of such answer, and upon written notice to both parties of the time and place of the hearing or investigation, there shall be held a hearing or investigation at which time both the accuser and accused shall have the right and reasonable opportunity to submit all proper and competent evidence for and against the accused. Failure on the part of the accused employee to request a hearing, or investigation, and to give such written answer or explanation to the Board within ten days of the service upon him of the charge, shall be deemed an admission of the truth of such charges without further investigation or hearing on the part of the Board, unless further time shall be granted by the Board. It shall be the duty of the Board to subpoena witnesses for the accused upon written request and affidavit that the same are necessary and consider carefully the evidence submitted in the hearing or investigation and render a decision which in its judgment is just and proper. The decision must be rendered within five days after the completion of the trial and shall be entered upon the minutes of the Board and the official roster of employees. Copies of the decision shall be furnished to both the appointing power and the employee. The taking of testimony in connection therewith may be held by the Board, or any member or any agent of the Board duly accredited to such duty by the Board, and the decisions of the Board based upon its records and the testimony taken at such hearing shall be final.

An appointing authority may, from time to time, preemptorily suspend an employee without pay or other compensation and without the right of

a hearing as punishment for improper behavior, but such suspension or total suspension by such appointing power of such person shall not exceed thirty days in any year of service. Such suspension with loss of pay may be effected only by service upon the employee by the appointing power of written charges setting out clearly the delinquency for which such suspension was made and a copy of which must be at the same time mailed or delivered to the Board.

The suspended employee shall have the right to file with the Board and the employing authority a written answer or explanation of such charges.

Section 28. REDUCTION IN FORCE. Whenever it is necessary because of lack of work, lack of funds or whenever it is advisable in the interest of economy to reduce the staff of any department or agency of the counties, or any municipality affected by this Act, the appointing authority shall lay off employees according to the procedure set forth in this Act and the rules and regulations prescribed thereunder. The duties performed by the employee or employees so laid off may be assigned to any other permanent civil service employee or employees in the department or office, who, in the opinion of the Director of Personnel, are qualified to perform such duties regardless of the specific classification or grade to which such employees are allocated. Layoffs shall be made in accordance with the seniority and efficiency record of the employee or employees of the grade in which the lay-off is to be made by applying the following rule.

In determining the rating to be given for seniority, two points shall be allowed for each complete year of service and in determining the rating to be given for efficiency that number of points shall be allowed which expresses the efficiency of the employee in terms of percentage of perfection with one hundred percent considered as perfect.

In making layoffs the combined scores of the employees for seniority and efficiency shall be considered and the employee or employees of all the grades under consideration having the lowest combined score or scores up to the number of positions to be abolished or discontinued shall be laid off. The names of employees thus laid off shall be placed upon the departmental layoff list for such positions as in the opinion of the Director of Personnel the employees are qualified and entitled to hold. The order of the names on layoff lists shall be the relative order of combined scores for seniority and efficiency. All permanent civil service employees compensated on a monthly basis who are to be laid off shall be given fifteen days' notice of such layoff prior to the effective date thereof.

Section 29. CERTIFICATION OF PAYROLLS. It shall be unlawful for the fiscal officer of either a county or any municipality affected by this act to draw, sign, issue or authorize the drawing, signing, or issuing of any warrant on the treasurer or other disbursing officer of either the municipality or the county for the payment of or for the treasurer or other disbursing officer to pay any salary or compensation to any one holding any position subject to the provisions of this act unless the estimate, payroll, warrant, or account for such salary or compensation containing the name of the person to be paid shall bear the certification of the Director of Personnel, that the person or persons named in the estimate, payroll, warrant or account are holding hereunder, subject to the provisions of Section 39 hereof. Any sums paid contrary to the provisions of this Section may be recovered from anyone making such payment in violation of the provisions of this Act and of the legal rules and regulations prescribed thereunder or of any officer signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of the same and from the sureties on his official bond and the proceeds of any action brought under the provisions of this section must, when collected, be paid into the treasury of either the city or the county from whose funds the payment was originally made.

Section 30. **SOLICITING PROHIBITED.** No officer, agent, clerk, employee or appointee under the government of a county or any municipality therein, or any agency thereof, affected hereby shall directly or indirectly, solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, contribution, or political service, whether voluntary or involuntary, for any political purpose whatever, from any one on the eligible lists or holding any position under the provisions of this Act. No one while holding any public office, or in nomination for, or while seeking a nomination or appointment for any public office, shall use or promise to use, whether directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in any way of conferring upon any person, or in order to secure or aid any person in securing any position, upon a consideration or condition that the vote or political influence or action of the last named person or any other, shall be given or used in behalf of any candidate, officer, or party, or upon any other corrupt condition or consideration. And no one, being a public officer, or in nomination for, or while seeking nomination or appointment for any public office or having or claiming to have any authority or influence (whether then possessed or merely anticipated) for the securing or holding of or as affecting any position under the provisions of this Act, shall use, or promise or threaten to use, any such authority or influence, directly or indirectly, in order to coerce or persuade the vote or political action of any person on the eligible lists or holding any position under the provisions of this Act. Any person wilfully violating any of the provisions of this Act shall be guilty of a misdemeanor. Nothing herein contained, however, shall prevent any person holding a place hereunder from becoming a candidate for, or for nomination to, a public or party office.

Section 31. **NO SALARY TO PERSONS APPOINTED IN VIOLATION OF THIS ACT.** No salary, compensation, or other emolument shall be paid to anyone appointed to or retained in any position in violation of this Act. Any official or officer approving, paying or causing to be paid such a salary or wage shall be liable personally for such sum, or any official's sureties shall be liable for such wage or salary being paid in violation of this Act. Whenever the Director of Personnel shall notify the auditing officers that any position has been filled in violation of this Act or any of the rules and regulations thereunder, no demand for the salary or compensation or other emolument of such position shall be approved or paid except upon the order of a court of competent jurisdiction. Whenever any legal action is brought growing out of the provisions of this Act said action must be instituted in the courts within thirty days from the time the cause of action may have originated, and if suit is not brought within the thirty days the right of action shall be forever barred.

Any person, however, acting in good faith, who accepts appointment or employment contrary to the provisions of this Act or of the rules, regulations and practices prescribed and set up thereunder shall be paid by the appointing authority the compensation promised by or on behalf of the appointing authority. If the appointing authority has not acted in good faith under the bona fide belief that its acts are in accord with the provisions of this Act, the salary or compensation paid to any person who has accepted appointment or employment contrary to the provisions hereof shall be a personal liability of such appointing authority or the persons officially constituting the same, jointly and severally, recoverable by the custodian of the public fund out of which salary or compensation may have been paid, or by the person who accepted such appointment or employment and rendered the services for which compensation is claimed.

Section 32. **ACCOMODATION PROVIDED FOR.** The Board of County Commissioners or Board of Revenue or other like governing body of the County shall provide suitable rooms and accommodations for Board and

Director of Personnel, and cause the same to be furnished, heated, and lighted, for carrying out the work of the Board, and shall cause to be furnished and paid for by the county all necessary stationery, postage, printing, clerical assistance and supplies upon the requisition of the Board.

Section 33. EXPENSES OF PERSONNEL BOARD. The salaries and all other expenses of the Personnel Board, the Personnel Director and all others arising under the provisions hereof, unless otherwise herein provided, shall be paid by warrants drawn by the Personnel Board and signed by at least two members thereof on the general fund of the county.

At the end of the county's fiscal year it shall prorate the total sum which it has expended for the purposes of this Act, between itself and the cities and/or appointing authorities subject to the Personnel Board of such county, charging each with such part of the total sum so expended as the total number of employees of such county, city, or appointing authority who were subject to the provisions of this act on the last day of the county's fiscal year bears to the total number of employees of all appointing authorities subject to the provisions of this Act on such last day of the county's fiscal year. The sum so arrived at by the county as the proper contribution of each shall be certified to the Director of Personnel and when approved by him in writing, shall become a liability of the respective county, cities and/or appointing authorities and shall be paid immediately to the county. In the event the salaries of a county, city, or an appointing authority are paid in part from different treasuries or different funds, in the same treasury, the liability for this contribution shall accrue against such various treasuries or funds in the same proportion as the salaries of the employees of the county, city or the appointing authority are paid therefrom. In the event any contribution levied hereunder shall not be paid within thirty days after approved by the Personnel Director, the county may bring suit therefor in any court of competent jurisdiction and any judgment so recovered shall be satisfied from any funds in such treasury or fund against which such contribution levy lies.

Section 34. SATISFACTION OF JUDGMENTS AGAINST APPOINTING AUTHORITIES. Whenever under the last preceding Section of this Act liability for the payment of any sum of money is imposed upon any appointing authority it is the legislative intent that such liability shall be discharged out of the treasury or treasuries or other custodians of public funds out of which may be paid the salaries and compensations of the employees who hold their places through such appointing authority. Suits or proceedings for the collection of such sums may be brought directly against the county, city, or Custodian of the fund out of which such claim should be satisfied.

Section 35. SEVERABILITY. Each section of this act, and every part of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void, ineffective, or unconstitutional for any cause, shall not affect the other sections or parts thereof, and it is now declared that the other parts of sections would have been enacted regardless of any section or parts of sections which might be held unconstitutional, inoperative or ineffective. In the event this act shall be held inapplicable or unenforceable as to any particular county or municipality or class of municipalities its validity and applicability to other counties or municipalities or classes of municipalities shall not be effected thereby.

Section 36. PENALTIES. Any person found guilty of doing any act herein declared to be a misdemeanor shall be punished as provided by Section 5277 of the Code of Alabama.

Section 37. REPEALING CLAUSE. All laws or parts of laws inconsistent with or in conflict with this act are hereby expressly repealed, subject to the provision of Section 38 hereof, including but not limiting the

generality hereof to all laws purporting to set up civil service plans or systems in such county or in any city therein. Specifically and again without limiting the generality of the above, all laws or parts of laws, whether local or general, the effect of which is to prescribe a different method of selection or appointment or to fix tenure of office or employment and the rate of compensation for services contrary to the express or implied effect and provisions hereof are repealed, it being the legislative intent that the terms of this act shall be fully effective, any laws or parts of laws heretofore enacted, to the contrary notwithstanding.

Section 38. EFFECTIVE DATES. This act shall become effective immediately upon its enactment, provided, however, that when any county or municipality becomes subject hereto a period of ninety days shall be allowed in which to organize and prepare for the administration of the Civil Service system herein provided for in such county or municipality and during such period of ninety days the employees and appointees of such county or municipality shall continue in all respects under and subject to the laws to which they are subject at the time such county or municipality becomes subject hereto.

AFFIDAVIT

STATE OF ALABAMA,
JEFFERSON COUNTY. }

Personally appeared before me, the undersigned authority, Geo. M. Howle, who first being duly sworn by me, deposes and says on oath that he is the Publisher of The Weekly Call, a weekly newspaper published in said State and County, and that the notice a true copy of which is hereto attached, was published in The Weekly Call, once a week for four consecutive weeks, commencing on the 25th day of May, 1935.

Geo. M. Howle.

Subscribed and sworn to before me on this the 17th day of June, 1935.

Clarice Bachus,

Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 737, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Mr. Kelly:

S. J. R. 85. Relative to the two Houses adjourning today to meet again at 10:00 o'clock Tuesday, August 6th., 1935.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the thirty-fifth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the thirty-fifth Legislative day approved by the Senate.

ADJOURNMENT

At 11:20 A. M., on motion of Mr. Walton and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, August 6th, 1935, 10 A. M.

THIRTY-SIXTH DAY

Tuesday, August 6th, 1935

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Dr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Fletcher	Parrish	Swift	Woodall
Frazer	Riddle	Taylor	

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JOURNAL

On motion of Mr. Walton the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Mixon, leave of absence was granted Mr. Kuykendall for today.

INTRODUCTION OF BILLS

Opon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Stephens:

S. 351. To establish a budget system and provide for the preparation of a budget for each county and city school system in the state; to provide that the budgeted current expenditures shall not exceed the budgeted income of each such board of education; to provide that the actual payments shall not exceed the budgeted payments except on approval of the county or city board of education and of the State Superintendent of Education; to provide that the actual payments shall not exceed the actual income plus balances except in the issuance of warrants for capital outlay purposes; to authorize county and city boards of education to borrow funds against the current year's revenues when necessary to pay their current expenses; to regulate and restrict borrowing for capital outlay purposes, and to authorize and regulate the issuance of warrants or notes to pay debts incurred prior to July 1, 1935.

Committee on Finance and Taxation.

By Mr. Walton:

S. 352. To amend House Bill 324 by striking from said Bill Section 290 and substituting in lieu thereof the following as Section 290 of said Bill, in words and figures as follows:

Committee on Finance and Taxation.

By Mr. Woodall:

S. 353. To provide for the Attorney General Supplying to the Probate Judges of the several Counties of the State, copies of his written opinions, in pamphlet form, each month.

Committee on Judiciary.

By Mr. Tucker:

S. 354. To amend Schedule 158 of Section 348 of Article 13 Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10th, 1935.

Committee on Finance and Taxation.

By Mr. Simpson:

S. 355. To provide for the creation of a commission on uniform state laws, for the appointment of commissioners thereto, and for a contribution to the support of the national conference of commissioners on uniform state laws.

Committee on Finance and Taxation.

By Mr. Russell:

S. 356. For the relief of Milton A. Pearson, and to appropriate for the said Milton A. Pearson a sum, not exceeding Five Thousand (\$5000.00) Dollars, as compensation for injuries inflicted by gun shot wounds while on active duty as a member of the Alabama National Guard, and to provide a method of payment and ascertainment of the damages sustained.

Committee on Finance and Taxation.

By Mr. Taylor:

S. 357. To amend Section 4 of an Act entitled "An Act to regulate and limit the use of the public highways in the State by motor trucks semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act entitled 'An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency." Approved October 6th, 1932.

Committee on Public Roads and Highways.

By Mr. Simpson:

S. 358. To provide that in all counties in the State of Alabama having a population of 300,000 or more, according to the last Federal census or any subsequent Federal census, the County Superintendent of Education may have the privilege of selecting text books for the use of any and all grades in the schools of the respective counties who attend said schools.

Committee on Local Legislation.

By Mr. Taylor:

S. 359. To amend Section 3 of an Act entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for

the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act," approved October 28, 1932.

Committee on Public Roads and Highways.

REPORTS OF COMMITTEES

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 325. To provide for the extension of the county three mill and county one mill school taxes by the legally qualified voters of a county where such taxes have already expired or will expire before December 31, 1940, to enable the superintendent and board of education to be in better position to take advantage of Federal funds which have been or may be made available for the construction, addition to, alteration, repair, or renovation of needed school buildings, and to provide the term of extension of such taxes as have not expired, and to legalize taxes already voted.

By Mr. Stephens (with amendments):

S. 327. In the interest of economy in the operation of the public schools of the State of Alabama, to authorize county and city boards of education to take steps to refinance warrants or other obligations outstanding for school purposes carrying an interest rate in excess of four and one-half ($4\frac{1}{2}$) per cent.

MESSAGE FROM THE HOUSE

The President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 300. To prohibit the sale of Barbitol, Sulphonethylethane (Trional) Sulphonmethane (Sulphonol), Diethylsulphon, Kiethylmethane (Tetronal), Paraldehyde and Choral or Choral Hydrate or any of its derivaties, compounds or mixtures of any of these drugs possessing Hynotic properties or effects, except upon prescriptions of lawfully authorized practitioners of Medicine, Dentistry or Veterinary Medicine.

E. F. Taylor,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 217. To provide for the observance and celebration of the One Hundredth Anniversary of the Founding of Prattville, Alabama; to appoint a commission to carry out the purposes of this Act and to appropriate the sum of Five Thousand Dollars (\$5,000.00) or so much thereof as may be necessary to pay the expenses of said celebration in the event that the Federal Congress shall pass an Act or Joint Resolution providing for the observance and celebration of said Anniversary.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

REPORT ON CONFERENCE COMMITTEE

To the President of the Senate and Speaker of the House of Representatives:

We, the undersigned Committee of Conference, heretofore appointed by you on disagreement of the two Houses to the House Amendments to Senate Bill 226, beg leave to report and recommend as follows:

1. We recommend that the following Amendment to Section 12 be further amended so as to read as follows and then Concurred in:

"Amend S. B. No. 226 Section 12 by adding the following immediately after the word "State" in line 5, page 4.—Provided that, such Field Assistant, Chief Game Warden and all other game and fish wardens shall, before entering upon their duties as such Field Assistant and game and fish wardens take the oath of office as required by law for Sheriffs in this State and shall give bond in the sum of One Thousand (\$1,000.00) Dollars with a surety company authorized to do business in this State as surety on said bond which said bonds shall be approved by the Governor and filed as the bonds of State and County officers are filed, and conditioned as bonds of deputy Sheriff of this State. Premiums on said bonds shall be paid out of the Game and Fish Fund."

2. We recommend that the Senate concur in the following House Amendment:

"Amend the title of the original Bill, S. 226, and the body of the bill by inserting the words quote Approved October 1st, 1923 unquoted after the words quote Chapter 20 of the Code of 1907 unquote wherever those last words occur."

3. We recommend that the House Amendment to Section 11 reading as follows be concurred in:

"Amendment Number 3.

"Amend Section 11 of Senate Bill 226 by striking from said Section the following words: "and to appoint, for a term of six years, the successor to the Commissioner at the expiration of his term of office, and every six years thereafter," where they appear together in said Section."

4. We recommend that the House Amendment to Section 3 reading as follows be concurred in:

"Amendment Number 2.

"Amend Senate Bill Number 226 by striking Section 3 and inserting in lieu thereof the following:

Section 3. The successor to the present Commissioner of Game and Fisheries shall be appointed by the Governor and shall hold office for a term of four years, beginning on the first Monday after the second Tuesday in January, 1937; and every four years thereafter the Governor shall appoint a successor to the Commissioner of Game and Fisheries, who, shall, in like manner hold his office for a period of four years, ending on the first Monday after second Tuesday in January, or until his successor is appointed and qualified. Any vacancy in the office shall be filled by appointment of the Governor, and the appointee shall hold for the unexpired term."

5. We recommend that Section 15 be restored and that said section be amended so as to read as follows:

"Section 15. Game and fish wardens shall have power to enforce all laws of this State relating to birds, animals and fish; to execute all warrants and search warrants for the violation of the game, fish and fur laws of the State; to serve subpoenas issued for examination, investigation and trial of all offenses against the law relating to game, fur-bearers, birds, and fish; to carry fire arms as provided by law for enforcement officers when in the discharge of their official duties; to confiscate all game, birds, animals or fish or parts thereof which have been caught, taken, killed or held at a time, in any manner, or for any purpose, or had in possession or under control, or have been shipped, carried or transported contrary to the laws of this State, and game, fur-bearers, birds, fish or parts thereof so confiscated shall be held as evidence in the court in which the defendant is held for trial, and upon conviction of the defendant said game, fur-bearers, birds, fish or parts thereof, shall be disposed of by written order of the court; to enter upon any land or water in the performance of their duty; to assist individual citizens, clubs, groups, and organizations of sportsmen and conservation clubs by furnishing in-

formation and such other assistance as may be found necessary in the construction of fish ponds, the establishment of feeding grounds for migratory wild fowl, the planting of fish from the State and Federal fish hatcheries, the reclaiming of stranded fish, the control of predators on useful forms of wildlife; and such other additional duties as the Commissioner may direct. The Chief Game Warden shall constantly keep in touch with the game and fish wardens; assist and advise them in their work; see that all wardens are continuous in the performance of their duties; make reports to the Commissioner or any dereliction of duty; investigate all charges of alleged misconduct or other alleged wrongful acts on the part of any warden and make special reports thereon to the Commissioner; assist in the prosecution of violations of all laws relating to the Department; and perform such other duties as the Commissioner may direct.

(Signed) G. R. Swift.

(Signed) C. M. A. Rogers.

(Signed) Webb Chesnut.

On the Part of the Senate.

(Signed) J. N. Poole.

(Signed) George P. Quarles.

(Signed) Jno. D. Chichester.

On the Part of the House of
Representatives

CONFERENCE REPORT

On motion of Mr. Swift, the Senate concurred in the foregoing report of the Committee of Conference on the disagreement of the two Houses on the House amendments to the bill:

S. 226. To revise and amend an Act entitled: "An Act to revise and amend Chapter 20 of the Code of 1907" relating to game and fish laws.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Carlton	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Cook	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Glover	Riddle	Swift	Woodall

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Nays:—None.

And said bill, S. 226, as thus amended by the report of the Conference Committee, was again read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Mooneyham	Russell
Carlton	Glover	McDowell	St. John
Chesnut	Kelly	Parrish	Simpson
Cook	Locke	Riddle	Starnes
Dorsey	Mixon	Rogers (Mobile)	Stephens

Swift
Taylor

Thomas
Tucker

Walden
Walton

Weaver
Woodall

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Nays:—None.

RESOLUTIONS

Mr. Mooneyham offered the following Joint Resolution:

S. J. R. 86. WHEREAS, it is more than 390 miles from points in North Central Alabama to the nearest veterans hospital for the treatment of nervous and mental diseases, namely, Augusta, Georgia, and more than 456 miles to the hospital to the West where such veterans can be treated, namely, North Little Rock, Arkansas, 402 miles to the hospital to the south, namely, Gulfport, Mississippi, 451 miles to the hospital to the north, namely, Lexington, Kentucky, and there are at present more than 300 Alabama veterans in the four facilities named, or in other facilities more distant from their homes; and,

WHEREAS, the hospitals named are now filled to overflowing and there are veterans now confined in public institutions in the State of Alabama whose relatives and friends are unwilling that they be transferred so far beyond the borders of the state as that they will be unable to see them from time to time, and for the reason that such veterans in part are awaiting beds in hospitals in facilities capable of caring for and treating them on account of the overcrowded condition of such facilities; and,

WHEREAS, it is the desire of the people of the State of Alabama, speaking through their representatives in the State Legislature, to bring back to their home state such of the said veterans as are now confined in the distant facilities herein named, and the State is willing and will be happy to cooperate in every way with the Federal Government in establishing a facility for their treatment within its borders;

NOW, THEREFORE, BE IT RESOLVED by the Senate of Alabama, the House concurring, that the State of Alabama hereby extends to the Federal Government an invitation to construct a veterans hospital for the treatment of nervous and mental diseases within its borders, and pledges to the Federal Government the cooperation of all of the facilities of the state in building and maintaining such institution.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Honorable Franklin Delano Roosevelt, the President of the United States; to the sub-committee of the General Hospital Board now considering the project herein named, namely, Rear Admiral P. S. Rossiter, Brig. Gen. Frank T. Hines, and Col. George E. Ijams; to each member of the Alabama delegation in the National Congress; that a copy of the same be spread upon the journal of the House and Senate; and a copy be furnished to the press.

And on motion of Mr. Mooneyham the rules were suspended and the Resolution adopted.

Mr. Walden offered the Senate Resolution:

S. R. 87. BE IT RESOLVED BY THE SENATE that the Lieutenant-Governor be requested forthwith to make appointments to the vacancies on the Senate Standing Committees caused by the death of Senator Thrower, said appointments to be effective until the due election and qualification as a member of the Senate of the successor of Senator Thrower.

BE IT FURTHER RESOLVED that the Senate do now confirm said appointments.

And on motion of Mr. Walden, the Rules were suspended and the Resolution adopted.

Thereupon the Lieutenant-Governor appointed as a member of the Standing Committee on Local Legislation, Mr. Rogers of Mobile.

Mr. Simpson offered the following Joint Resolution:

S. J. R. 88. BE IT RESOLVED BY THE SENATE, the House concurring, that when the Legislature adjourns today, it adjourn to meet again at 10:00 o'clock A. M. Thursday, August 8, 1935.

Which was read and referred to the Standing Committee on Rules.

Mr. Wellborn offered the following Joint Resolution:

S. J. R. 89. BE IT RESOLVED that the Senate, the House concurring, that the two Houses meet each Tuesday, Wednesday, Thursday, and Friday of each week at 11:30 o'clock A. M. until the remaining legislative days of this general session have been completed.

Which was read and referred to the Standing Committee on Rules.

ELECTION OF MEMBERS OF PURCHASING COMMITTEE OF TALLAPOOSA COUNTY, ALABAMA

Under the provisions of the bill:

H. 642. To provide for the regulation and purchasing of supplies for which Tallapoosa County, Alabama is liable for the County officials, the County officers and every department of the County including supplies, books, materials, office equipment, printing and printed matter needed and used in and by the various offices of said County, the officers thereof, the jail and almshouse and to provide for the appointment or election of a purchasing committee to be intrusted with the duty and responsibility of making and authorizing such purpose and to provide that such supplies, books, materials, office equipment, printing and printed matter and other supplies be bought through competitive bids. To provide for the

purchasing of all equipment such as machinery, mules, horses, tools and other supplies or equipment to be used for and in connection with all road work either construction, maintenance or repair of roads in Tallapoosa County, Alabama. To define the powers and duties of the purchasing committee herein created.

Mr. Woodall placed in nomination as members of the Purchasing Committee for Tallapoosa County, Alabama, Messrs. Fred G. Bolton and Rush Davidson.

Those who voted for Messrs. Bolton and Davidson were:

Messrs.:			
Bonner	Locke	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Walton
Dorsey	Parrish	Swift	Weaver
Glover	Riddle	Taylor	Woodall
Kelly	Russell		

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Said Fred G. Bolton and Rush Davidson having received the entire vote cast, which was a majority of the Senate, each of them was declared duly elected and confirmed as members of the Purchasing Committee for Tallapoosa County, Alabama, as provided by the above bill.

BILLS ON THIRD READING

The bill:

H. 473. To fix and regulate the salary to be charged or received by the tax assessor of Mobile County; to provide for assistants to the said tax assessor, and their compensation; to fix and regulate the method and basis of payment and collection of such salary of the tax assessor and compensation for his assistants; to provide that such salary shall be in lieu of all other compensation, fees, commissions or emoluments; to declare the provisions of existing law, touching the commissions of tax assessor, inapplicable to Mobile County; and to provide for the payment, into the County Treasury of Mobile County, of certain moneys, fees and penalties that were heretofore part of the compensation, emoluments and perquisites of the office of tax assessor of Mobile County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:			
Browder	Glover	McDowell	St. John
Chesnut	Kelly	Parrish	Simpson
Cook	Locke	Riddle	Starnes
Dorsey	Mixon	Rogers (Mobile)	Stephens
Frazer	Mooneyham	Russell	Swift

Taylor	Tucker	Weaver	Woodall	
Thomas	Walton			—26

Nays:—None.

The bill:

S. 317. To provide for the payment of the fees of state's witnesses in criminal cases in the County Court, the Circuit Court and before the Grand Jury in Chambers County, Alabama, out of the general fund of said County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Dorsey	Parrish	Stephens	Walton
Frazier	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Locke	Russell		

—26

Nays:—None.

The bill:

S. 320. To create the office of County Solicitor of Washington County, Alabama, to provide for the appointment to fill vacancy in the office, to provide for the election of such County Solicitor by the qualified voters of said County, to prescribe his powers, duties, and qualifications, to provide for his compensation, to provide how it shall be paid, and to repeal all laws in conflict therewith.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	St. John	Thomas
Chesnut	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Dorsey	Parrish	Stephens	Weaver
Glover	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Locke	Russell		

—26

Nays:—None.

The bill:

S. 321. To abolish the office of Deputy Solicitor of Washington County, Alabama, and to provide that such bill shall not affect any general, special or local law, except as herein provided.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	St. John	Thomas
Chesnut	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Dorsey	Parrish	Stephens	Weaver
Glover	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Locke	Russell		

—26

Nays:—None.

The bill:

S. 322. To authorize, empower and direct the Town of Muscle Shoals, Alabama, to sell and convey to the United States of America title to that certain real estate owned by the Town of Muscle Shoals, Alabama, known as the Airport, which is described as follows, to-wit: A tract of land lying in Colbert County, State of Alabama, on the left side of the Tennessee River, approximately three miles South of Wilson Dam, in Township 3 South, Range 10 West, and more particularly described as follows: The SW $\frac{1}{4}$ of Section 32, the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 32. All of the above described land contains 240 acres, more or less; and, to authorize, empower and direct said Town of Muscle Shoals, Alabama, to make, enter into, execute, and deliver all contracts, deeds, instruments, and other documents necessary and proper to enable said Town of Muscle Shoals, Alabama to convey satisfactory title to the United States of America; to ratify and confirm all contracts heretofore made and entered into by the Town of Muscle Shoals, Alabama, with the United States of America and/or the Tennessee Valley Authority for the sale of said real estate; and to vacate and annul all rights of the public in and to said land.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Chesnut	Parrish	Stephens	Walton
Cook	Riddle	Swift	Weaver
Frazer	Rogers (Mobile)	Taylor	Wellborn
Kelly	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

The bill:

S. 330. To create in all counties of the State of Alabama which now have not less than seventy-five thousand and not more than one hundred ten thousand inhabitants according to the Federal census of 1930, and which may hereafter have such population according to any Federal census hereafter taken, the office of special officer, to prescribe his duties and the method of his appointment, fix his term of office, and to fix his compensation and prescribe the method of payment thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Frazer	Parrish	Stephens	Walton
Glover	Riddle	Swift	Weaver
Kelly	Rogers (Mobile)	Taylor	Wellborn
Locke	Russell		

—26

Nays:—None.

The bill:

S. 331. To repeal an act approved March 5, 1931 and entitled An Act "To fix the compensation of the Register of the Circuit Court for Ex-Officio Services in all Judicial Circuits in the State which consist of one County and which have more than one and less than three Circuit Judges".

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Frazer	Parrish	Stephens	Walton
Glover	Riddle	Swift	Weaver
Kelly	Rogers (Mobile)	Taylor	Wellborn
Locke	Russell		

—26

Nays:—None.

The bill:

S. 332. To fix the salary of the Judge of Probate in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other as-

sistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judges of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Frazer	Parrish	Stephens	Walton
Glover	Riddle	Swift	Weaver
Kelly	Rogers (Mobile)	Taylor	Wellborn
Locke	Russell		

—26

Nays:—None.

The bill:

S. 333. To fix the compensation or salaries and allowances to be paid to Sheriffs in all counties in this State, which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census or any such census which may hereafter be taken where such sheriffs are constitutionally paid upon a salary basis and to regulate the payment of same, and to regulate the office of said sheriff, and to impose additional duties upon said sheriffs, and to provide for deputies and other assistance to said sheriffs and the selection and appointment thereof and the manner of fixing their compensation and provide for paying the same and to provide for the payment of premium of such sheriffs and deputies' bonds, and to authorize, empower and require the courts of county commissioners, Boards of Revenue or other courts of like jurisdiction to provide and furnish the said sheriffs with necessary quarters, books, stationery and other necessities and conveniences to the sheriffs of such counties and to provide for the payment of same.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas:

Messrs.:

Bonner	Frazer	Locke	McDowell
Carlton	Glover	Mixon	Parrish
Cook	Kelly	Mooneyham	Riddle

Rogers (Mobile)	Starnes	Thomas	Walton
Russell	Stephens	Tucker	Weaver
St. John	Swift	Walden	Wellborn
Simpson	Taylor		

—26

Nays:—None.

The bill:

S. 334. To fix the compensation or salaries to be paid the tax collectors and tax assessors in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal Census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers as other monies belonging to said counties are paid, except any salary, fees or commissions paid said officers for collecting taxes for any municipality.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Frazer	Parrish	Stephens	Walton
Glover	Riddle	Swift	Weaver
Kelly	Rogers (Mobile)	Taylor	Wellborn
Locke	Russell		

—26

Nays:—None.

The bill:

S. 335. To fix the salaries to be paid the members of the Courts of County Commissioners or Boards of Revenue and other Courts of like jurisdiction in all counties in this State which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census or any such census which may hereafter be taken, and to regulate the payment of same, to provide for the clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same and to provide rules and regulations for the payment and conduct of such officers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Frazer	Parrish	Stephens	Walton
Glover	Riddle	Swift	Weaver
Kelly	Rogers (Mobile)	Taylor	Wellborn
Locke	Russell		

—26

Nays:—None.

The bill:

H. 600. To abolish the County Board of Education of Clarke County, Alabama; to create in lieu thereof the County School Commission of Clarke County, Alabama; to provide for the appointment and election of the members thereof and to prescribe their duties and powers, terms of office and compensation; to provide for a chairman of said Commission and to repeal all laws in conflict herewith.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to said bill, to-wit:

Amend House Bill No. 600 by striking therefrom Section 27½.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Cook	Parrish	Stephens	Walton
Dorsey	Riddle	Swift	Weaver
Glover	Rogers (Mobile)	Taylor	Wellborn
Kelly	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Cook	Parrish	Stephens	Walton
Dorsey	Riddle	Swift	Weaver
Glover	Rogers (Mobile)	Taylor	Wellborn
Kelly	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

The bill:

H. 612. To amend an Act Entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" approved April 11, 1933. (Local Acts 1933, No. 136, Senate Bill 203—Duncan).

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Carlton	McDowell	Starnes	Walden
Cook	Parrish	Stephens	Walton
Frazer	Riddle	Swift	Weaver
Glover	Rogers (Mobile)	Taylor	Wellborn
Kelly	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

The bill:

H. 721. To provide for the compulsory inspection by Federal and/or State Inspectors of all Strawberries offered for shipment in Cullman County, Alabama; to provide for the proper marking of crates and containers used for the transportation of Strawberries, and to provide penalties for the violation of the provisions of this Act.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Carlton	McDowell	Starnes	Walden
Cook	Parrish	Stephens	Walton
Frazer	Riddle	Swift	Weaver
Glover	Rogers (Mobile)	Taylor	Wellborn
Kelly	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

The bill:

H. 401. To fix and regulate the salary to be charged or received by the tax collector of Mobile County; to provide for assistants to the said tax collector, and their compensation; to fix and regulate the method and basis of payment and collection of such salary of the tax collector and compensation for his assistants; to provide that such salary shall be in lieu of all other compensation, fees, commissions or emoluments; to declare the provisions of existing law, touching the commission of tax collectors for collecting

general and special and school taxes, inapplicable to Mobile County; and to provide for the payment, into the County Treasury of Mobile County, of certain moneys, fees and penalties that were heretofore part of the compensation, emoluments and perquisites of the office of Tax Collector of Mobile County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Carlton	McDowell	Starnes	Walden
Cook	Parrish	Stephens	Walton
Frazer	Riddle	Swift	Weaver
Glover	Rogers (Mobile)	Taylor	Wellborn
Kelly	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

The bill:

S. 328. To amend Section 365 of Chapter 1 of Article 14 of an Act "To provide for the general revenue of the State of Alabama", approved July 10, 1935.

Was taken up.

Mr. Russell offered the following amendment to said bill to-wit:

Amend Senate Bill No. 328 by striking out the numerals 365 where the same appear together therein and substituting in lieu thereof the following:—"352."

Which was adopted.

Yeas, 24; Nays, 2.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Glover	Rogers (Mobile)	Swift	Wellborn

—24

Nays:—Messrs. Thomas and Woodall.

—2

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 5.

Yeas:

Messrs.:

Bonner	Dorsey	Mixon	Parrish
Browder	Frazer	Mooneyham	Rogers (Mobile)
Carlton	Kelly	McDowell	Russell

St. John	Taylor	Walden	Weaver	
Simpson	Tucker	Walton	Wellborn	
Starnes				—21

Nays:—Messrs. Chesnut, Stephens, Swift, Thomas and Woodall. —5

The bill:

S. 225. To repeal Section 5540 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 15; Nays, 14.

Yeas:

Messrs.:				
Browder	Frazer	Rogers (Mobile)	Swift	
Carlton	Glover	Russell	Tucker	
Dorsey	Kelly	Simpson	Wellborn	
Fletcher	Mooneyham	Starnes		—15

Nays:

Messrs.:				
Bonner	McDowell	Taylor	Walton	
Chesnut	Parrish	Thomas	Weaver	
Locke	St. John	Walden	Woodall	
Mixon	Stephens			—14

Mr. Tucker moved that the vote by which said bill, S. 225, was just passed be re-considered, which motion was lost.

Yeas, 12; Nays, 16.

Yeas:

Messrs.:				
Bonner	McDowell	Stephens	Walden	
Chesnut	Parrish	Taylor	Walton	
Mixon	St. John	Thomas	Woodall	
				—12

Nays:

Messrs.:				
Browder	Frazer	Rogers (Mobile)	Swift	
Carlton	Glover	Russell	Tucker	
Dorsey	Kelly	Simpson	Weaver	
Fletcher	Mooneyham	Starnes	Wellborn	
				—16

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Dominick:

H. 745. To authorize and provide for the sterilization of particular types of mentally diseased, insane, epileptic, mentally deficient, criminal and delinquent persons in the State of Alabama; to establish a Medical Board of Sterilization and to prescribe its operation, authority and powers; to provide and define method of

obtaining the authority to sterilize in each case and by whom such authority is to be granted; to define and name the method of sterilization; to provide for appeals from the decision of the Medical Board of Sterilization; to designate and prescribe by whom costs and expenses of such proceedings and sterilization operations are to be borne; and to protect against civil or criminal prosecution persons legally participating in the execution of the provisions of this Act.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House Bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 745, to the Committee on Public Health.

RECESS

At 12:55 P. M., on motion of Mr. Simpson, the Senate took a recess until 3:30 this afternoon.

THIRTY-SIXTH DAY—AFTERNOON SESSION

Tuesday, August 6th, 1935.

The Senate re-assembled at 3:30 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Russell	Thomas
Browder	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn
Frazier	Riddle	Taylor	Woodall
Glover	Rogers (Mobile)		

—30

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Riddle:

S. 360. To authorize, provide for and regulate a non-profit corporation for the establishment, maintenance and operation of

a plan for hospitalization of citizens of Alabama in hospitals approved by the Alabama Hospital Association and the State Board of Censors of the Alabama Medical Association.

Committee on Insurance.

COMMITTEE APPOINTMENTS

In accordance with S. R. 87, adopted at the morning session, the Lieutenant-Governor announced the appointment of the following members of Standing Committees to fill the vacancies caused by the death of Senator Thomas J. Thrower, to-wit:

On Penitentiary and Penitentiary Punishment—Mr. Carlton.

On Education—Mr. Glover.

On Agriculture—Mr. Taylor.

On County and County Boundaries—Mr. Woodall.

On Privileges and Elections—Mr. Mooneyham.

On Revision of the Journal—Mr. St. John.

On Aviation & Traffic—Mr. Tucker.

On Fish and Game—Mr. Tucker.

And said appointment was confirmed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Wallace:

H. 600. To abolish the County Board of Education of Clarke County, Alabama; to create in lieu thereof the County School Commission of Clarke County, Alabama; to provide for the appointment and election of the members thereof and to prescribe their duties and powers, terms of office and compensation; to provide for a chairman of said Commission and to repeal all laws in conflict herewith.

E. F. Taylor,
Clerk.

RESOLUTION

The Rules Committee reported the following Joint Resolution:

S. J. R. 90. BE IT RESOLVED by the Senate, the House concurring, that when the Legislature adjourn to-day, it adjourn to meet again at 10:00 o'clock A. M. Thursday, August 8, 1935.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Joint Resolution:

By Rules Committee:

S. J. R. 90. Relative to the Legislature adjourning today to meet again at 10:00 o'clock A. M. Thursday, August 8th, 1935.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Tucker, the Senate non-concurred in the following amendment by the House to S. J. R. 90, the title of which is set out in the foregoing Message from the House to-wit:

Amend S. J. R. 90 to read as follows:

That when the two Houses adjourn to-day, they adjourn until Friday, August 9th, at 10 A. M.

And requests a committee of Conference.

And the President of the Senate named as Committee on part of the Senate Messrs. Simpson and Tucker.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Conference Committee on the following bill:

By Mr. Swift:

S. 226. To revise and amend an Act entitled "An Act to revise and amend Chapter 20 of the Code of 1907," Approved October 1st, 1932, relating to game and fish laws.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Coleman:

H. J. R. 203. WHEREAS, it is more than 390 miles from points in North Central Alabama to the nearest veterans hospital for the treatment of nervous and mental diseases, namely, Augusta, Georgia, and more than 456 miles to the hospital to the west where such veterans can be treated, namely, North Little Rock, Arkansas, 402 miles to the hospital to the south, namely, Gulfport, Mississippi, 451 miles to the hospital to the north, namely, Lexington, Kentucky, and there are at present more than 300 Alabama veterans in the four facilities named, or in other facilities more distant from their homes; and,

WHEREAS, the hospitals named are now filled to overflowing and there are veterans now confined in public institutions in the State of Alabama whose relatives and friends are unwilling that

they be transferred so far beyond the borders of the state as that they will be unable to see them from time to time, and for the reason that such veterans in part are awaiting beds in hospitals in facilities capable of caring for and treating them on account of the overcrowded condition of such facilities; and,

WHEREAS, it is the desire of the people of the State of Alabama, speaking through their representatives in the state Legislature, to bring back to their home state such of the said veterans as are now confined in the distant facilities herein named, and the State is willing and will be happy to cooperate in every way with the Federal Government in establishing a facility for their treatment within its borders;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, the House and Senate jointly concurring, that the State of Alabama hereby extends to the Federal Government an invitation to construct a veterans hospital for the treatment of nervous and mental diseases within its borders, and pledges to the Federal Government the cooperation of all of the facilities of the state in building and maintaining such institution.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Honorable Franklin Delano Roosevelt, the President of the United States; to the sub-committee of the General Hospital Board now considering the project herein named, namely, Rear Admiral P. S. Rossiter, Brig. Gen. Frank T. Hines, and Col. George E. Ijams; to each member of the Alabama delegation in the National Congress; that a copy of the same be spread upon the journal of the House and Senate; and a copy be furnished to the press.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 203, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the Senate's request for a Committee of Conference on the disagreement of the two Houses on the House amendment to the following Senate Joint Resolution:

By Rules Committee:

S. J. R. 90. Relative to the adjournment of the two Houses until Thursday, August 8th, 1935, at 10 A. M.

And the Speaker of the House has appointed as conferees on

the part of the House Messrs. Coleman, Sparks (Barbour), and Norman (Bullock).

E. F. Taylor,
Clerk.

REPORT OF CONFERENCE COMMITTEE

To the Senate and House of Representatives:

Your Joint Committee of Conference on S. J. R. No. 90 begs leave to report that it recommend that when the two houses adjourn today they adjourn to meet at 10 A. M. Friday, August 9th, 1935.

Hayse Tucker,
James H. Simpson,
On Part of Senate.
Chaunce Sparks,
C. D. Norman,
John C. Coleman,
On the Part of House.

CONFERENCE REPORT

The foregoing report of the Conference Committee on the disagreement of the two Houses on the House amendment to S. J. R. 90, was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Miller:

H. 743. To amend Section 7 of an Act to provide for the subordinate officers and employees of the Legislature, including the Senate and the House of Representatives; to fix the number, their positions, terms of office and employment, and the mode of their selection or election; to fix the compensation of such subordinate officers and employees, and to provide how and when such compensation shall be paid; providing clerical assistants to the Secretary of the Senate and the Clerk of the House after adjournment for the completion of the journals, and fixing the time for the filing of same in the office of the Secretary of State and delivery of copy thereof to the State Printer; providing for an information bureau for the members of the Legislature and the public, and providing duties for the Secretary of the Senate and the Clerk of the House of Representatives after adjournment, and to repeal an Act to amend Section 1530 of the Code of Alabama of 1923, approved January 27, 1927, also the Act to authorize the Senate and the House of Representatives of the Legislature of Alabama; to fix by resolution the per diem of the subordinate officers and employees of the respective Houses, and fix the expense allowances to the President Pro Tem of the Senate, approved February 20, 1931, and to repeal all laws and parts of laws in conflict herewith, approved March 8, 1933.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 743 to the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

By Mr. Simpson:

S. 188. To amend an Act, entitled "An Act to Promote the Objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations, to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, by adding thereto a section, permitting fiduciaries to retain for their individual account any service charge allowed by the National Housing Act.

Also:

By Mr. Walton:

S. 194. To permit and allow the County Board of Education of Chambers County, upon the recommendation of the County Superintendent of Education to borrow funds to pay the teachers, truck drivers, and other employees of the Board, and to pay the current expenses of said County schools, when the current funds on hand are not sufficient to meet the same, and to pledge as security therefor the current revenues for the current year, or the following year, or to provide instead of such loans the issuance of interest bearing warrants to teachers and trucks drivers or employees of the said Board; to provide that said County Board of Education may transfer children to high schools in adjacent districts when nearer and more convenient and may use such district taxes and transfer the same for use in other districts for the payment of transportation or other expenses; to provide further that when there is no school in a district or when such district has a sufficient balance of district taxes, the County Board of Education may use such district tax for the transportation of children in said district.

Also:

By Mr. Swift:

S. 207. To authorize the better maintenance of a full-time County Health Officer and County Health Department within each County of Alabama.

And return same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the following Senate Joint Resolution:

S. J. R. 90. Relative to the two Houses adjourning today to meet again on Friday, August 9th, 1935.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the thirty-sixth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the thirty-sixth Legislative day approved by the Senate.

ADJOURNMENT

At 5:20 P. M., on motion of Mr. Riddle, and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Friday, August 9th, 1935, at 10 A. M.

THIRTY-SEVENTH DAY

Friday, August 9th, 1935.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Dr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Wellborn
Frazer	Parrish	Swift	Woodall
Glover	Riddle		

—30

JOURNAL

On motion of Mr. Rogers of Mobile the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Tucker, leave of absence was granted Mr. Weaver for to-day.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Starnes:

S. 361. To further provide for freeing Alabama highways of all toll bridges through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation.

Committee on Public Roads & Highways.

By Mr. Woodall:

S. 362. To create an Armory Commission for the State of Alabama and to authorize the persons named therein to form and

organize a corporation to be known as the "Armory Commission of Alabama"; to specify and define its authority and duties; to authorize said Commission when incorporated to construct and maintain armories, drill and training areas for the National Guard and Naval Militia and their various units; to authorize municipalities, counties, the State and others to co-operate in and about the construction of armories, the providing of drill and training areas and to assist in paying therefor; to authorize municipalities and counties to convey to The Armory Commission of Alabama lands owned by them on which to construct such armories, whether such lands already be used for parks or other purposes; to authorize The Armory Commission of Alabama to finance, or refinance armory buildings that have already been constructed, to finance the improvement of such armories, and to authorize The Armory Commission of Alabama to finance the construction of other or further or additional armories; and to authorize the Governor of Alabama, in his discretion, to use a part of any appropriation made for military purposes for the purpose of paying any deficit of principal or interest under any plan of financing or refinancing, adopted by The Armory Commission of Alabama for the financing, or refinancing of armories already in existence, the construction of, improvements to or additions to, such armories already in existence and the construction of new and additional armories.

Committee on Military.

By Mr. Kelly:

S. 363. To amend sections 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Committee on Finance & Taxation.

By Mr. Tucker (by request):

S. 364. To further regulate the business of insurance by further defining, licensing and regulating Agents of Insurance Companies, other than life insurance and mutual aid companies, and in furtherance thereof to create the Alabama Insurance Board and to define the powers and duties thereof, and to provide penalties for violations of the provisions of this act.

Committee on Insurance.

By Mr. Walton:

S. 365. To create a State Department of Public Welfare; to provide for a State Board of Public Welfare for the government thereof; to prescribe its powers and duties; to provide for the appointment of a Commissioner as Executive Officer and for the appointment of other employees, their compensation and the maintenance and other expenses of the State Department of Public Welfare; to transfer to the State Department of Public Welfare all the powers, duties, and obligations now vested in and relating to the

State Child Welfare Department, except the administration of the State Child Labor Law, which may now or hereafter be transferred to the Department of Labor in the event such department be established; to transfer to the State Department of Public Welfare all those duties having to do primarily with the determination of need and authorization of relief now performed by the Alabama Relief Administration; to empower the State Department of Public Welfare to administer all public assistance funds, child welfare funds, and all funds appropriated by the Legislature to the State Department of Public Welfare for the purposes for which they are appropriated; to authorize the State Department of Public Welfare to act as agent for and to cooperate with any Federal or State agency or enactment now or hereafter provided by law for the purpose of rendering public assistance and services through any of the bureaus herein created; to authorize the State Board of Public Welfare to create such other bureaus and divisions within the purview of this Act as may be necessary for its administration and to prescribe rules and regulations governing the same; to authorize the State Board of Public Welfare to prescribe adequate standards of education, training and experience which must have been attained by persons selected for the positions to be filled in each of the bureaus and divisions of the State Department of Public Welfare and in the several county departments of public welfare; to authorize the State Board of Public Welfare to issue certificates to such persons as may meet the qualifications prescribed; to provide a mental hygiene program of non-institutional care; to authorize the State Department of Public Welfare to collect statistics and other information relative to public welfare and to make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for public assistance, family welfare, child welfare and other welfare activities; to create county departments of public welfare and to provide for county boards of public welfare for the government thereof; to prescribe their powers and duties; to transfer to the county boards of public welfare and the county departments of public welfare all rights, duties, powers and obligations of the present county child welfare boards; to authorize the county departments of public welfare, operating under the county boards of public welfare, to act as agents for and to cooperate with any Federal, State or County agency or enactment now or hereafter provided by law for the purpose of rendering public assistance, family welfare services and child welfare services; and to repeal all laws in conflict herewith.

Committee on Finance & Taxation.

By Mr. Riddle:

S. 366. To provide ice for cooling drinking water for the various county offices of the State.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Dorsey:

S. 154. To make it unlawful for a person to hold or attempt to hold two or more offices of profit under this State at the same time in all cases where forbidden by the Constitution and by law, and to provide punishment for the violation of this Act.

By Mr. Woodall:

S. 157. To divide the State of Alabama into Judicial Circuits for the Circuit Courts to be numbered and composed of the Counties named.

By Mr. Kelly:

S. 249. To amend Section 6550 of the Code of Alabama of 1923.

By Mr. Kelly:

S. 250. To amend Section 6551 of the Code of Alabama of 1923.

By Mr. Glover:

S. 305. To authorize the guardians of the estates of minors, persons non compos mentis, or any other persons to make mineral leases upon the real estate belonging to their wards; to define "Minerals" as used in this Act; to define "Real Estate" and "Property" as used in this Act, and to repeal sections 8155, 8156, 8157, and 8158 of the 1923 Code of Alabama.

By Mr. Calhoun:

H. 210. To define the obligation of newspaper employees when called upon to testify before any court, tribunal, commission or inquest.

By Mr. Sparks (Barbour):

H. 433. To amend Section 6105 of the Code of Alabama of 1923, by adding thereto the provision that the trial court shall retain jurisdiction of the cause to hear and determine motion for a new trial and to provide that any appeal shall raise the question of the correctness of the Court's ruling on the motion for a new trial.

Mr. McDowell, Chairman of the standing Committee on Constitution and Constitutional Revisions and Amendments, reported

that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Wellborn:

S. 47. To propose an amendment to the Constitution of Alabama abolishing the offices of State Auditor and Secretary of State and providing for the transfer of the duties of such offices.

The above bill was read a second time at length as required by the Constitution.

Mr. McDowell, Chairman of the standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sparks (Barbour) (with substitute):

H. 197. To amend Section 3 of an Act entitled An Act "allowing boxing, sparring and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission," approved July 1, 1927, as amended by an Act entitled An Act to amend Section 3 of an Act entitled An Act "allowing boxing, sparring and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission," approved April 16, 1931.

Mr. Fletcher, Chairman of the standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Stephens:

S. 351. To establish a budget system and provide for the preparation of a budget for each county and city school system in the state; to provide that the budgeted current expenditures shall not exceed the budgeted income of each such board of education; to provide that the actual payments shall not exceed the budgeted payments except on approval of the county or city board of education and of the State Superintendent of Education; to provide that the actual payments shall not exceed the actual income plus balances except in the issuance of warrants for capital outlay purposes; to authorize county and city boards of education to borrow funds

against the current year's revenues when necessary to pay their current expenses; to regulate and restrict borrowing for capital outlay purposes, and to authorize and regulate the issuance of warrants or notes to pay debts incurred prior to July 1, 1935.

By Mr. Tucker:

S. 354. To amend Schedule 158 of section 348 of article 13 of chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10th, 1935.

By Mr. Simpson:

S. 355. To provide for the creation of a commission on uniform state laws, for the appointment of commissioners thereto, and for a contribution to the support of the National Conference of Commissioners on uniform state laws.

Mr. Carlton, Chairman of the standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Starnes (with notice and proof):

S. 347. To abolish the office of County Treasurer for St. Clair County, Alabama, and to establish a County Depository in lieu of County Treasurer for St. Clair County, Alabama, to provide for security of County funds in such depository, and to prescribe the duties of such depository; to provide for payment of all County funds to the depository and the method thereof; to provide for the designation of a County Treasurer and his duties and compensation, if the Court of County Commissioners of St. Clair County, Alabama, shall be unable to secure a depository as herein provided.

By Mr. Simpson:

S. 358. To provide that in all counties in the State of Alabama having a population of 300,000 or more, according to the last Federal census or any subsequent Federal census, the County Superintendent of Education may have the privilege of selecting text books for the use of any and all grades in the schools of the respective counties who attend said schools.

By Mr. Byars (with notice and proof):

H. 540. To require that twenty five per cent of the total funds, received by Lawrence County, Alabama, from the levy and collection by the State of gasoline taxes or taxes on other motor fuels, be used for the purpose of paying the principal of all county road debts contracted prior to October 1, 1935, including bonds of said county issued for the purpose of building public roads in said county; to provide that the Board of Revenue shall ascertain during the month of October, 1935 and register in a book of permanent record

and publish in the county paper, or cause such to be done, the various amounts of all the road debts of the county, specifying particularly the amounts owed, to whom such amounts are owed, when such amounts are due and the interest rate, if any, thereon; to provide for the permanent continuation of this record and to provide the method for the retirement of such indebtedness.

By Mr. Byars (with notice and proof):

H. 541. To limit the power and authority of the Board of Revenue, or other like governing body, of Lawrence County, Alabama, to incur obligations and to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes for that particular year; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of the county, that such record be kept up-to-date and open to inspection by the taxpayers; to provide for refunding all outstanding warrants and debts and to pledge the general and special funds for their payment; to provide that violations of this act be punishable by removal from office and fines not exceeding \$1,000.00, and imprisonment not exceeding one year or both for each offense.

By Mr. Goolsby (with notice and proof):

H. 549. To regulate the issuance of warrants of arrest returnable to the Circuit Court or County Court of Escambia County, Alabama; and to provide that all such warrants of arrest issued by any Justice of the Peace or Notary Public having the jurisdiction of a Justice of the Peace or Notary Public having the jurisdiction of the Circuit Solicitor or his deputy solicitor or the County Solicitor, after an investigation of the facts; and to provide penalties for making an arrest without a warrant bearing such approval.

By Mr. McDermott (with notice and proof):

H. 643. To require the County of Mobile to maintain a County Agricultural Agent; to provide for his appointment, and to provide for his duties and to provide a minimum salary for him, and to provide out of what funds and in what order of preference said salary shall be paid.

By Mr. Goolsby (with notice and proof):

H. 649. To abolish the fine and forfeiture fund of Escambia County, Alabama; to provide for the payment into the general fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Escambia County shall, in the future, be paid out of the general fund of said County; to fix the priorities of said claims; to provide for the registration of same; to regulate the payment of same; and

to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

By Mr. McPhaul (with notice and proof):

H. 734. To make it a misdemeanor to pursue, catch, take or kill, or attempt to pursue, catch, take or kill or hunt any wild animal, bird or game by the use of or while using any head-light or lighted device or light of any kind, in Baldwin County, and to prescribe the punishment therefor.

By Mr. Welch (with notice and proof):

H. 737. To create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a County wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizen Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such Counties; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel and over such counties and municipalities therein; to provide for payment of the expenses of each such agency and for a division of such expense between the county affected and the municipalities therein; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Mr. Mooneyham, Chairman of the standing Committee on Municipalities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Thrower (by request):

S. 257. Providing for, and requiring each and every person, firm, association, partnership, agency, lessee, trustee or corporation engaged in the business of operating a motor vehicle for hire for the transportation of persons within the limits of a city or incorporated town, or within the police jurisdiction thereof, or between two cities or incorporated towns whose city limits adjoin, or within the police jurisdiction thereof, to post and file with the City Clerk of the city or incorporated town in which such business is carried on an indemnity bond or indemnity insurance policy for the protection of persons using such motor vehicles, and for the pro-

tection of the general public, against injury and damage to person and property proximately caused by the negligence of such person, firm, association, partnership, agency, lessee, trustee or corporation, or the servant, agent or employee of any of them, in the operation of such motor vehicle; making it unlawful to operate such motor vehicle without first filing such bond or policy and without the same being first approved by the City Clerk of the city or incorporated town in which such business is carried on, and without the same being maintained at all times; and to prescribe punishment and penalties for the violation of this Act.

Mr. Woodall, Chairman of the standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carlton:

S. 341. To amend Section 540 of the Code of Alabama of 1923.
By Mr. Douglass:

H. 274. To permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city or town of the State of Alabama; prescribing regulations with reference to the adoption, requirements, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon County Commissioners, Board of Revenue, Election Commission, and other governing boards of the counties, cities and towns; providing for redivision of wards of cities and towns into election districts and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties, cities and town in which they are used; and providing penalties for violation of the provisions of this act.

Mr. Parrish, Chairman of the standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dominick:

H. 745. To authorize and provide for the sterilization of particular types of mentally diseased, insane epileptic, mentally deficient, criminal and delinquent persons in the State of Alabama; to establish a Medical Board of Sterilization and to prescribe its operation, authority and powers; to provide and define method of obtaining the authority to sterilize in each case and by whom such

authority is to be granted; to define and name the method of sterilization; to provide for appeals from the decision of the Medical Board of Sterilization; to designate and prescribe by whom costs and expenses of such proceedings and sterilization operations are to be borne; and to protect against civil or criminal prosecution persons legally participating in the execution of the provisions of this Act.

Mr. Bonner, Chairman of the standing Committee on Temperance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rogers (Mobile):

S. 350. To amend Section 4768 of the Code of Alabama of 1923.

Mr. Walton, Acting Chairman of the standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Starnes:

S. 326. To declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act.

RESOLUTIONS

The Rules Committee reported the following Joint Resolutions:

S. J. R. 91. Whereas, it is the duty of the Legislative and Executive departments to cooperate in the shaping of legislation and the Governor is charged with the responsibility of suggesting to the Legislature from time to time those matters which he considers of importance to the people of the State;

Whereas, the Regular Session of the 1935 Legislature is rapidly coming to an end with but few legislative days remaining in which to pass the many important bills which will vitally effect the State and its institutions;

Therefore, Be It Resolved that the two Houses meet in Joint Session Tuesday, August 13th, 1935, at 12 o'clock M. and that His Excellency, Bibb Graves, be invited to appear before said Joint

Session and make such suggestions or statements as he may deem proper and in the interest of the people.

Be It Further Resolved that the Presiding officers of the two Houses appoint one man from the House and one from the Senate to wait upon the Governor and notify him of this invitation.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

Thereupon the Presiding officer of the Senate appointed as a Committee on the part of the Senate, Mr. Glover.

The Rules Committee also reported the following Joint Resolution:

S. J. R. 92. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today they adjourn to meet Tuesday, August 13th, 1935, at 10 o'clock A. M.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

Mr. Simpson offered the following Senate Resolution:

S. R. 93. WHEREAS the days of this Session are fast drawing to a close

And, WHEREAS the Social Security Program, including Old Age Pensions, is the most vital remaining matter that can now engage our attention

And, WHEREAS the Senate has heretofore adopted a Joint Resolution asking the House to join it in raising a committee to study the Federal Social Security Program so as best to avail ourselves of its provisions, and the House having failed to act on such resolution.

THEREFORE, BE IT RESOLVED that the Senate do now instruct the Lieutenant-Governor to appoint a Senate Committee of three for this purpose and instruct it fully to cooperate with the Governor, and any Committee later appointed by the House on this subject—and instruct it to report promptly its findings.

And on motion of Mr. Walton, the Rules were suspended, and said Resolution was put upon its immediate passage and adopted, and the President and Presiding Officer of the Senate appointed as such Committee Messrs. Simpson, Locke and Stephens.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 188. to amend an Act, entitled "An Act to Promote the Objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan

associations, to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, by adding thereto to a section, permitting fiduciaries to retain for their individual account any service charge allowed by the National Housing Act.

S. 194. To permit and allow the County Board of Education of Chambers County, upon the recommendation of the County Superintendent of Education to borrow funds to pay the teachers, truck drivers, and other employees of the Board, and to pay the current expenses of said County schools, when the current funds on hand are not sufficient to meet the same, and to pledge as security therefor the current revenues for the current year, or the following year, or to provide instead of such loans the issuance of interest bearing warrants to teachers and truck drivers or employees of the said Board; to provide that said County Board of Education may transfer children to high schools in adjacent districts when nearer and more convenient and may use such district taxes and transfer the same for use in other districts for the payment of transportation or other expenses; to provide further that when there is no school in a district or when such district has a sufficient balance of district taxes, the County Board of Education may use such district tax for the transportation of children in said district.

S. 207. To authorize the better maintenance of a full-time County Health Officer and County Health Department within each County of Alabama.

S. 226. To revise and amend an Act entitled "An Act to revise and amend Chapter 20 of the code of 1907," approved October 1, 1932 relating to game and fish laws.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Adams:

H. 163. To repeal an Act approved July 16, 1931, entitled "An Act to create the office of Commissioner of Licenses in all counties of this State having a population of three hundred thousand or more according to the last Federal Census or any subsequent Federal census" appearing on pages 522, etc. of the General Acts of Alabama of 1931, and an Act to amend Sections 11 and 15 of an Act entitled "An Act to create the office of Commissioner of Licenses in all counties in this State having a population of three hundred thousand or more according to the last or any subsequent Federal Census", appearing on pages 206, etc., of the General Acts of Alabama at the extra session held in 1932.

Also:

By Mr. Kelly:

H. 723. To amend Sections 1 and 2 of an Act of the Legislature of Alabama entitled: "An Act to provide for the election of County Superintendent of Education for Clay (County), Alabama, to fix his term of office, to prescribe his salary and the manner of payment; to define his qualifications, powers and duties, and to provide for the election of his successor in office" approved September 26, 1923.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LAW

Notice is hereby given that there will be introduced in the present session of the Legislature of Alabama, a bill the substance of which will be (and is) to make the term of the office of the County Superintendent of Education of Clay County to expire on July 1, following the general election in November and to fix the salary of the County Superintendent of Education, setting the minimum of \$2400.00 per year and a maximum of \$3000.00 per year, leaving it to the discretion of the County Board of Education as to the salary the Superintendent shall receive ranging between the minimum and the maximum of the amounts above and the expenses of the County Superintendent to be included in the salary set by the Board.

John H. Martin,
Executive Officer,

County Board of Education, Clay County.

PUBLISHER'S CERTIFICATE OF PUBLICATION

THE STATE OF ALABAMA, }
CLAY COUNTY. }

Before me Marguerite Samuels, Notary Public in and for said County, personally appeared R. M. Ussery who being first duly sworn, deposes and says that he is the publisher of the Ashland Progress, a newspaper published weekly in Ashland, Clay County, Alabama, and that the notice

of Local Law a copy of which is attached hereto, was published in said newspaper for 4 consecutive weeks, commencing in the issue of May 9, 1935 and ending in the issue of May 30, 1935.

R. M. Ussery,
Publisher.

Sworn to and subscribed before me, this 12 day of June 1935.

Marguerite Samuels,
Notary Public.

(Seal)

Also:

By Mr. Poole:

H. 750. To amend the caption and Section 1, Section 2, Paragraph (d), Section 3, Section 6, Section 9, Section 11 and Section 16 of an Act entitled, "An Act to authorize the creation of the Rural Electrification Authority of Alabama for the purpose of promoting and encouraging the fullest possible use of electric energy in the State by making electric energy available to certain inhabitants of the State at the lowest cost consistent with sound economy and prudent management; authorizing the Authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation, transmission and distribution of electric energy to carry out the purposes of this Act; providing for the rights, powers and duties of the Authority; authorizing and regulating the issuance of bonds by the Authority; and providing for the payment of such bonds and the rights of the holders thereof, approved February 7, 1935.

Also:

By Mr. Todd:

H. 118. To provide for a license inspector in all counties in the State of Alabama having more than one hundred fifty thousand population, according to the last or any succeeding Federal census; to fix his compensation and define his duties.

Also:

By Mr. Welch:

H. 781. To amend Section 18 of an Act entitled, "An Act to establish Jury Boards in the several counties of this State, to fix the membership of said Boards, to prescribe the qualifications and terms of office and provide for the appointment of the members thereof; to fix their compensation and to define their duties; to provide for the appointment, duties and compensation of clerks of said Boards, for the qualifications of jurors, for the preparation of jury rolls and the emptying, filling and refilling of jury boxes; and to provide for the payment of the necessary expenses of the Board. (Approved February 20, 1931)."

Also:

By Mr. Welch:

H. 783. To authorize the governing bodies of all counties in the State of Alabama having a population according to the last or

any subsequent Federal Census, of more than three hundred thousand to maintain charity beds in some hospital in the city or cities where branch offices of the various county departments are maintained, for the care and hospitalization of emergency or charity patients; to provide rules and regulations governing the admission of such patients to such hospitals; to authorize and empower the governing bodies to appropriate funds for the maintenance of such hospitalization.

Also:

By Mr. Welch:

H. 810. To amend Sections 2, 5 and 8 and to make more certain the repeal of Section 9½ of an Act entitled "An Act to better provide for holding the Circuit Court of the Tenth Judicial Circuit at Bessemer, in and for the following portions of Jefferson County, to-wit: Williams Precinct No. 1, Jonesboro Precinct No. 2, Parsons Precinct No. 3, Aarons Precinct No. 4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7, Meeks Precinct No. 24, Toadvine Precinct No. 27, Bessemer Precinct No. 33, Gwins Precinct No. 35, Hueys Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53 and Brighton Precinct No. 55, to define the jurisdiction thereof, to provide for organizing and empanelling grand juries therefor and define the jurisdiction of said grand juries, to regulating the holding of said court at said place, and otherwise provide therefor", approved August 18th, 1919, said amendment operating to rearrange the territorial boundary lines of the jurisdiction of said court so held at Bessemer, and defining the boundary lines thereof by metes and bounds in stead of precincts, and making more certain the elimination of Section 9½ therefrom.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA, }
JEFFERSON COUNTY, }

Personally appeared before me, W. S. Welch, a Notary Public in and for said County, in said State, B. M. McElroy, who being by me first duly cautioned and sworn, deposes and says that he is the editor and publisher of the Tribune-Advertiser, a weekly newspaper published in the State of Alabama and in the City of Bessemer and in the County of Jefferson in said State, and that a legal notice was published for four consecutive weeks in said above named weekly newspaper which said notice was in words and figures as follows:

NOTICE

To The Public:

Notice is hereby given of the intention to apply to the present Legislature for, and to seek to procure the passage by it of a local law in substance, as follows:

A BILL TO BE ENTITLED AN ACT

To amend Sections 2, 5 and 8 and to make more certain the repeal of Section 9½ of an Act entitled, "An Act to better provide for holding the Circuit Court of the Tenth Judicial Circuit at Bessemer, in and for the following portions of Jefferson County, to-wit: Williams Precinct No. 1, Jonesboro Precinct No. 2, Parsons Precinct No. 3, Aarons Precinct No. 4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7, Meeks Precinct No. 24, Toadvine Precinct No. 27, Bessemer Precinct No. 33, Gwins Precinct No. 35, Hueys Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53, and Brighton Precinct No. 55, to define the jurisdiction thereof, to provide for organizing and empaneling grand juries therefor and define the jurisdiction of said grand juries to regulating the holding of said court at said place, and otherwise provide therefor," approved August 18th, 1919, said amendment operating to rearrange the territorial boundary lines of the jurisdiction of said court so held at Bessemer, and defining the boundary lines thereof by metes and bounds instead of precincts, and making more certain the elimination of Section 9½ therefrom.

Be it enacted by the Legislature of Alabama:

Section 1. That Section two of An Act entitled "An Act to better provide for holding the Circuit Court of the 10th Judicial Circuit at Bessemer, in and for the following portions of Jefferson County, to-wit: Williams Precinct No. 1, Jonesboro Precinct No. 2, Parsons Precinct No. 3, Aarons Precinct No. 4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7, Meeks Precinct No. 24, Toadvine Precinct No. 27, Bessemer Precinct No. 33, Gwins Precinct No. 35, Hueys Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53, and Brighton Precinct No. 55, to define the jurisdiction thereof, to provide for organizing and empaneling grand juries therefor and define the jurisdiction of said grand juries, to regulate the holding of said court at said place, and otherwise provide therefor," approved August 8th, 1919, be amended so as to read: Section 2. The said Circuit Court of the Tenth Judicial Circuit, holding at Bessemer, as in this Act provided, shall have, exercise and possess, all of the jurisdiction and the powers which are now or which may hereafter be conferred by law on the several circuit courts of this state, which said jurisdiction and powers shall be exclusive in, limited to, and extended over that portion of the territory of the County of Jefferson, which is described as follows, to-wit; begin at the point where the Range line dividing Ranges 2 & 3, going So. first intersects the Cahaba River, in Township 19, on the County line, between the Counties of Jefferson and Shelby, and run thence North along said Range line to the Northeast corner of Section 13, Township 19, Range 3 West; thence West along the Section line one mile to the Northwest corner of said Section 13; thence North one mile to the Northeast Corner of Section 11, Township 19, Range 3 West; thence West 3 miles to the Southeast corner of Section five, Township 19, Range 3 West; thence North three miles to the Northeast corner of Section 29, Township 18, Range 3 West; thence two miles to the Southeast Corner of Section 24, Township 18, Range 4 West; thence North two miles of the Southeast corner of Section 12, Township 18, Range 4 West; thence West one-fourth of a mile to the East boundary line of the City of Fairfield as it now exists; thence in the general direction of North with and along the East boundary line of the said City of Fairfield, and turning with and continuing along said boundary line of said City around the North end of said City, and in a general Southwest direction, continuing along said Boundary line of said City of Fairfield to the point where said boundary line intersects

the line that bounds Sections 11 and 12 in Township 18, Range 4 West, on the North, thence West to the Northwest corner of said Section 11, Township 18, Range 4 West, thence North 4 miles to the Northeast corner of Section 22, Township 17, Range 4 West; thence West two miles to the Southeast corner of Section 17, Township 17, Range 4 West; thence North one mile to the Northeast Corner of Section 17, Township 17, Range 4 West; thence due West to the intersection of the County line between the counties of Walker and Jefferson; thence with and along said County line and turning with and continuing along the same as it divides the Counties of Walker and Jefferson to its intersection with the County line of Tuscaloosa County; thence with the variations of and along the County line of Tuscaloosa County in a general Southeasterly direction to the point where the said County line intersects the County line of Bibb County; thence in a general Easterly and North Easterly direction with and along said Bibb County line as it divides said County of Bibb from the County of Jefferson to the point where said County line intersects the County line of Shelby County; thence in a general Northeasterly direction with and along said Shelby County line as it divides the said Counties of Shelby and Jefferson to the point of beginning, and from and over the above mention and described territory all jurisdiction and powers heretofore or now exercised or existing therein by the Circuit Court of the Tenth Judicial Circuit as now held at Birmingham, is hereby expressly excluded.

Section 2. Amend Section 5 of said Act so as to read: Section 5. In all cases where an appeal shall now or hereafter lie to the Circuit Court of the Tenth Judicial Circuit from any judgment or decision rendered by a Justice of the Peace, a Notary Public exercising the jurisdiction of a Justice of the Peace, an Inferior Court, a Recorders Court, a Mayor's Court, a Juvenile Court, a Probate Court or any other like or similar court by whatever name called, such appeal, from and after the passage of this Act shall lie and be returnable to the Circuit Court of the Tenth Judicial Circuit holding at Bessemer, as in this Act provided for, and not elsewhere, in all cases where the court from which the appeal is taken or prosecuted is held within the territory hereinabove described; and in all cases where any process shall issue from the courts of such officers or Inferior Tribunals returnable to the Circuit Court, the same shall be returnable to the said Circuit Court of the Tenth Judicial Circuit holding at Bessemer, and not elsewhere; and the same rule as in this section provided as applicable to appeal shall likewise be applicable to all cases, causes and proceedings which are authorized by law or which may hereafter be authorized by law to be removed to the Circuit Court by any writ, process or certiorari regardless of whether it is authorized to be so removed by common law or statutory writ, process or certiorari.

Section 3. That Section 8 of said Act be amended to read: Section 8. That all warrants or writs of arrest issued by Justices of the Peace, Notaries Public, exercising jurisdiction of the Justice of the Peace, Judges of Inferior Courts, created in lieu of Justices of the Peace and all like or similar officers by whatever name called for the commission of misdemeanors arising or committed in the territory hereinabove mentioned and described as constituting the territorial jurisdiction of the Circuit Court of the Tenth Judicial Circuit holding at Bessemer, and over which they have not final jurisdiction, shall be made returnable directly to said circuit court holding at Bessemer for trial, and shall there be tried without an indictment of a grand jury; and any Circuit Judge presiding over the Circuit Court of the Tenth Judicial Circuit holding at Bessemer as in this Act provided for is authorized to issue warrants or writs of arrest in all misdemeanor cases, when the misdemeanor for which the warrant or writ of arrest is issued has been com-

mitted or arises in the territory mentioned and described in this act as constituting the territorial jurisdiction of said Court holding at Bessemer, returnable direct to said court holding at Bessemer for trial, without an indictment of a grand jury.

Section 4. That Section 9½ of said Act, if it has not already been repealed, be and the same is hereby repealed, and that all other laws, local, general or special in conflict with this act are hereby repealed. If any Section, clause or Provision of this act is held to be unconstitutional, such holding shall not affect any other section, clause or provision hereof which is not in itself unconstitutional.

W. S. Welch.

Affiant, the said B. M. McElroy further deposes and says that the said legal notice was published in the above named weekly newspaper on the dates of June 21, 1935, June 28, 1935, July 5, 1935, and July 12, 1935.

B. M. McElroy,

Affiant who is editor and publisher of the Tribune-Advertiser.

Sworn to and subscribed before me, this the 26th day of July, 1935.

W. S. Welch,

(Seal)

A Notary Public in and for Jefferson County, Ala.

Also:

By Mr. Welch:

H. 809. To regulate the nomination of circuit judges in primary elections in the Tenth Judicial Circuit of Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA, }
JEFFERSON COUNTY. }

Personally appeared before me, J. C. Sheehan, a Notary Public in and for said County in said State, A. H. Cather, who being by me first duly cautioned and sworn deposes and says that he is the Editor and Publisher of the Southern Labor Review, a weekly newspaper, published in the State of Alabama, and in the City of Birmingham and in the County of Jefferson in said State; and that a legal notice was published for four consecutive weeks in said above named weekly newspaper, which said notice was in words and figures as follows:

Notice is hereby given that the following bill will be introduced and its passage applied for at the present regular session of the Legislature of Alabama:

A BILL TO BE ENTITLED AN ACT

To regulate the nomination of circuit judges in primary elections in the Tenth Judicial Circuit of Alabama.

Be it enacted by the Legislature of Alabama:

1. That candidates in primary election for nomination for circuit judgeships in the Tenth Judicial Circuit of Alabama shall run and shall be placed upon the ballots in such primary elections only in those precincts in and over which the judgeship for which nomination is sought has jurisdiction; that is to say, candidates for nomination in such primary elections for judgeships Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11 of the Tenth Judicial Circuit of Alabama shall run and shall be placed upon the ballots used in such primaries only in those precincts which are within the jurisdiction of said Circuit Court holding at Birmingham Alabama; and candidates for nomination for judgeship No. 5 of said Circuit shall run and be placed upon bal-

lots used in such primaries only in those precincts within the jurisdiction of the Bessemer Division of said Circuit Court.

Affiant, the said A. H. Cather, further deposes and says that the said legal notice was published in the said above named weekly newspaper on the dates of May 15, 1935, May 22, 1935, May 29, 1935, and June 5, 1935.

A. H. Cather,

Affiant, who is the Editor and Manager of the Southern Labor Review

Sworn to and subscribed before me on this the 8th day of July, 1935.

J. C. Sheehan,

(Seal) A Notary Public in and for Jefferson County, Alabama.

Also:

By Mr. Goodwyn:

H. 822. To make further provision for the alteration or rearrangement of the boundary lines of the City of Montgomery, in the County of Montgomery, and State of Alabama, by the inclusion within the corporate limits of said City of the territory now or formerly included within the towns of Capitol Heights and Cloverdale, and certain other territory.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given of intention of apply to the present regular session of the Alabama Legislature for passage of an act to make further provision for the alteration or rearrangement of the boundary lines of the City of Montgomery, in the County of Montgomery and State of Alabama, by the inclusion within the corporate limits of said City of the territory now or formerly included within the Towns of Capitol Heights and Cloverdale, and certain other territory. The said act will be in substantially the following form:

A BILL TO BE ENTITLED AN ACT

To make further provision for the alteration or rearrangement of the boundary lines of the City of Montgomery, in the County of Montgomery and State of Alabama, by the inclusion within the corporate limits of said City of the territory now or formerly included within the towns of Capitol Heights and Cloverdale, and certain other territory.

Be it Enacted by the Legislature of Alabama, as Follows:

Section 1. That the boundaries of the City of Montgomery, in the County of Montgomery and State of Alabama, are hereby altered and rearranged by the inclusion within the corporate limits of said City of all the territory now or formerly included within the corporate limits of the Towns of Capitol Heights and Cloverdale and certain additional territory, so that there shall be included within the corporate limits of the City of Montgomery all that territory lying within the County of Montgomery and included within the boundaries herein set out, to-wit:

Beginning at the water's edge on the south side of the Alabama River at a point where the North line of section 11, township 16, Range 17, touches said River, thence West along the North lines of said Section 11 to the northwest corner thereof; thence South along the West line of said Section 11, 1320 feet; thence West and parallel to the North line of Section 10, to the North side of Broadfoot Street; thence Northwesterly along the

North side of Broadfoot Street to the Northwest side of Bibb Street; thence Southwesterly along the Northwest side of Bibb Street to the Boundary of the United States Reservation, Maxwell Field; thence along the Northern and Eastern boundaries of the United States Reservation, Maxwell Field, to the Northeast corner of Lot 18 of the Ashley Plat of Section 10; thence southeasterly along the West side of a forty foot street, (being the Eastern boundary of the United States Reservation, Maxwell Field), to the North side of the Cahaba or Selma Road; thence Southwesterly along the North side of the Cahaba or Selma Road; to the Half Section line running North and South through Section 15; thence South along the Half Section line running North and South through Section 15 to the Quarter Section Post on the South Side of Section 15; thence East along the South line of Section 15 to the Southeast corner of Section 15; thence South along the Section lines between Sections 22 and 23 to the Southwest corner of Section 23; thence East along the section line on the South side of Section 23 to the East Right of Way line of the Atlantic Coast Line Railway; thence southeasterly along the said East Right of Way line of the Atlantic Coast Line Railway to the Half Section line running East and West through Section 25; thence East along the Half section line running East and West through Section 25 to South Court Street Extension, which is the East line of Section 25, all of the above described territory being in Township 16, Range 17; thence continuing East along the Half Section lines running East and West through Section 30 and 29 to the Quarter Section post on the East side of Section 29; thence North along the Section lines between Section 28 and 29; and 20 and 21 to the Southwest corner of Section 16; thence East along the South line of Section 16 to the South East corner of Section 16; thence North along the East line of Section 16 to the Northeast Corner of Section 16; thence West along the line between the Section 9 and 16 to the quarter Section Post on the South side of Section 9; thence North along the Half Section lines of Sections 9 and 4 to the Quarter Section post on the North side of Section 4; thence West along the North line of Section 4 to the Northwest corner of Section 4; all of the above sections after crossing Court Street Extension being in Township 16, Range 18; from the Northwest Corner of Section 4, or the Southeast corner of Section 32, Township 17, Range 18; thence North along the East line of Section 32, 1320 feet; thence west and parallel to the south line of Section 32 to the West line of Section 32; thence North 1320 feet to the quarter Section post on the east side of Section 31, thence west along the half section line running east and West through Section 31, Township 17, Range 18, to the West line of Section 31, said point being on the continuation of North Court Street; thence continuing West along the half section line running East and West through Sections 36 and 35, Township 17, Range 17, to the Water's edge on the East side of the Alabama River; thence down the Alabama River along the water's edge thereof, to the point of beginning; all of the above described territory being in Montgomery County, Alabama.

Section 2. That the boundaries set out in Section 1 of this act are hereby established as the corporate limits of said City of Montgomery, and that the territory comprised therein shall hereafter be and constitute the said City of Montgomery.

Section 3. That this act shall not repeal the act entitled "An Act to alter and re-arrange the boundaries of the City of Montgomery, Alabama, extending the corporate limits of said City," heretofore adopted by the Legislature of Alabama and approved the 26th day of August, 1927, or the act entitled "An Act to alter and rearrange the boundaries of the City of Montgomery, Alabama, extending the corporate limits of said City and to zone parts of the annexed territory," heretofore adopted by the Legislature

of Alabama and approved the 26th day of August, 1927, and this act shall be deemed to make further provisions for and to be additional authority for the alteration and re-arrangement of the boundaries of said City of Montgomery as provided in said acts approved the 26th day of August, 1927; provided, however, that this act shall be valid and shall remain in full force and effect notwithstanding that any section or provision or part of either of said acts approved the 26th day of August, 1927, shall be held to be unconstitutional, void or inoperative.

Section 4. That this act shall take effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA, }
MONTGOMERY COUNTY. }

Before me, Thelma Thompson, a Notary Public in and for said County, in said State, personally appeared Frank Nunnelee, known to me, who, being by me first duly sworn, doth depose and say: That he is the Editor and publisher of The Montgomery Weekly, a newspaper published in the City and County of Montgomery, State of Alabama, and that the attached notice of intention to apply to the Alabama Legislature for passage of an act to make further provision for the alteration or rearrangement of the boundary lines of the City of Montgomery, Alabama, was published, without cost to the State of Alabama, in said The Montgomery Weekly once a week for four (4) consecutive weeks, the said notice having been published in the issues of said newspaper on the following dates, viz: July 4, 11, 18 and 25, 1935.

Frank Nunnelee.

Sworn to and subscribed before me, this the 30th day of July, 1935.

Thelma Thompson,

Notary Public, Montgomery County, Alabama.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 163, 723, 118, 783, 810, 809 and 822, to the Committee on Local Legislation.

H. 750, to the Committee on Finance and Taxation.

H. 781, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested.

H. 401. To fix and regulate the salary to be charged or received by the tax collector of Mobile County; to provide for assistants to the said tax collector, and their compensation; to fix and regulate the method and basis of payment and collection of

such salary of the tax collector and compensation for his assistants; to provide that such salary shall be in lieu of all other compensation, fees, commissions or emoluments; to declare the provisions of existing law, touching the commission of tax collectors for collecting general and special and school taxes, inapplicable to Mobile County; and to provide for the payment, into the County Treasury of Mobile County, of certain moneys, fees and penalties that were heretofore part of the compensation, emoluments and perquisites of the office of Tax Collector of Mobile County, Alabama.

Also:

H. 473. To fix and regulate the salary to be charged or received by the tax assessor of Mobile County; to provide for assistants to the said tax assessor, and their compensation; to fix and regulate the method and basis of payment and collection of such salary of the tax assessor and compensation for his assistants; to provide that such salary shall be in lieu of all other compensation, fees, commissions or emoluments; to declare the provisions of existing law, touching the commissions of tax assessor, inapplicable to Mobile County; and to provide for the payment, into the County Treasury of Mobile County, of certain moneys, fees and penalties that were heretofore part of the compensation, emoluments and perquisites of the office of tax assessor of Mobile County, Alabama.

Also:

H. 600. To abolish the County Board of Education of Clarke County, Alabama; to create in lieu thereof the County School Commission of Clarke County, Alabama; to provide for the appointment and election of the members thereof and to prescribe their duties and powers, terms of office and compensation; to provide for a chairman of said Commission and to repeal all laws in conflict herewith.

Also:

H. 612. To amend an Act Entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" approved April 11, 1933. (Local Acts 1933, No. 136, Senate Bill 203—Duncan).

Also:

H. 721. To provide for the compulsory inspection by Federal and/or State Inspectors of all Strawberries offered for shipment in Cullman County, Alabama; to provide for the proper marking of Crates and containers used for the transportation of Straw-

berries, and to provide penalties for the violation of the provisions of this Act.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

BILLS RETURNED AND RE-REFERRED

Mr. McDowell, Chairman of the Standing Committee on Constitution, Constitutional Revision and Amendments, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a request that it be re-referred to another Committee, to-wit:

S. 312. To deny the right of appeal from a judgment of conviction in the Circuit Court in all cases where the defendant entered a plea of guilty and the sentence imposed is within the limits prescribed by law.

And on motion of Mr. McDowell, the President and Presiding officer of the Senate re-referred said bill, S. 312, to the Standing Committee on Judiciary.

Mr. Kelly, Chairman of the Standing Committee on Aviation and Traffic, reported that said Committee, in session, had acted on the following bill and ordered the same returned to the Senate with a request that it be re-referred to the Standing Committee on Finance and Taxation to-wit:

S. 77. To provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical industries; to create a Commission for the administration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and prescribe the powers, duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act.

And on motion of Mr. Tucker, the President and Presiding officer of the Senate re-referred said bill, S. 77, to the Standing Committee on Finance and Taxation.

SPECIAL ORDER AND ORDER TO PRINT

On motion of Mr. Rogers of Mobile, the bill:

S. 191. To propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof—Providing that any and all appropriations made after the introduction of the Bill proposing this amendment for the support, maintenance or development of public education in Alabama shall not be maximum, conditional or proportionate appropriations, but shall be paid in full and shall remain so payable regardless of the expiration of any fiscal year.

Was made a special order for Tuesday, August 13th, 1935, and 500 copies of the substitute offered by Mr. Mooneyham for said bill ordered printed for the use of the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

I am herewith returning Senate Bill No. 36 to you, as the body in which it originated, without my approval.

I suggest the following Executive Amendment which, if adopted, will meet my objection to the bill.

Amend Senate Bill No. 36 by striking therefrom Section 1 and substituting in lieu thereof the following:

Section 1. That a child who is six years of age on or before October first shall be entitled to admission to the public elementary schools at the opening of such schools for the school year or as soon as practicable thereafter; that a child who is under six years of age on October first shall not be entitled to admission to such schools during that school year, except that a child who becomes six years of age on or before February first may, on approval of the board of education in authority, be admitted at the beginning of the second semester of that school year to schools in school systems having semi-annual promotions of pupils.

This, I am sure, is the desire of the Educational Department of the State.

Respectfully,
(Signed) Bibb Graves,
Governor.

August 9, 1935.

GOVERNOR'S MESSAGE

On motion of Mr. Kelly, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 36. To fix the minimum age at which children may enter public schools in Alabama and to repeal all laws, or parts of laws in conflict herewith.

Said amendment being set out in the foregoing Message from His Excellency, the Governor.

Yeas, 26; Nays, 0.

*Yeas:**Messrs.:*

Bonner	Glover	Rogers (Mobile)	Swift
Browder	Kuykendall	Russell	Taylor
Carlton	Locke	St. John	Thomas
Chesnut	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Woodall
Frazer	Parrish		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, S. 36, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:**Messrs.:*

Bonner	Kelly	Rogers (Mobile)	Swift
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Wellborn
Fletcher	McDowell	Stephens	Woodall
Glover	Parrish		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

BILLS ON THIRD READING

The bill:

S. 325. To provide for the extension of the county three mill and county one mill school taxes by the legally qualified voters of a county where such taxes have already expired or will expire before December 31, 1940, to enable the superintendent and board of education to be in better position to take advantage of Federal funds which have been or may be made available for the construction, addition to, alteration, repair, or renovation of needed school buildings, and to provide the term of extension of such taxes as have not expired, and to legalize taxes already voted.

Was taken up.

Mr. St. John offered the following substitute for said bill to-wit:
Substitute for S. 325:

A BILL

To be entitled an Act to provide for the extension of the county three mill and county one mill school taxes by the legally qualified

voters of a county where such taxes have already expired or will expire before October 1, 1950, to enable the superintendent and board of education to be in better position to take advantage of Federal funds which have been or may be made available for the construction, addition to, alteration, repair, or renovation of needed school buildings, and to provide the term of extension of such taxes as have not expired, and to legalize taxes already voted.

Be it enacted by the Legislature of Alabama:

Section 1. Provision for Re-Voting Taxes.—In order that boards of education in counties in which the special three mill county tax and the special one mill county tax for school purposes, or either of these taxes expire before October 1, 1950, may be in better position to take advantage of Federal funds which have been or may be made available for the construction, addition to, alteration repair, or renovation of needed school buildings, provision is hereby made for the legally qualified voters of those counties to re-vote such taxes under terms and conditions prescribed by law.

Section 2. Election to Re-Levy Tax Authorized.—The court of county commissioners or court of like jurisdiction in any county within the State of Alabama is hereby authorized upon receipt of a properly signed petition and upon the request of the county board of education filed in accordance with the provisions of the school code, to order an election to determine whether or not a special county school tax of three mills and a special county school tax of one mill, or either of these taxes, shall be re-levied for public school purposes within the county, provided such tax or taxes have already expired or will expire prior to October 1, 1950.

Section 3. Term of Extension of Taxes Which May Be Re-voted.—In any county in which the special county school tax of three mills or the special county school tax of one mill, or either of these taxes is to be re-voted for school purposes in accordance with the provisions of this act, such taxes may not be extended beyond the tax year beginning October 1, 1965.

Section 4. Elections for Re-Voting Taxes.—Elections for re-voting these taxes shall be called and held and the results certified in accordance with the provisions of the Alabama School Code of 1927.

Section 5. Elections for Re-Voting Taxes Already Held Made Legal.—In any county in which an election has already been held or ordered to be held for re-voting its special county three mill and its special county one mill school taxes, or either of these taxes, the election is hereby recognized as legal, provided it was held or ordered to be held in accordance with the requirements of Sections 1, 2, 3, and 4 above.

Section 6. All laws and parts of laws, general, special, or private, in conflict with the terms and provision of this act are hereby repealed.

Section 7. Effective Date.—This act shall be effective and become operative immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Stephens
Browder	Kuykendall	Rogers (Mobile)	Swift
Carlton	Locke	Russell	Taylor
Chesnut	Mixon	St. John	Thomas
Dorsey	Mooneyham	Simpson	Walton
Fletcher	McDowell	Starnes	Woodall
Glover	Parrish		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Starnes
Browder	Kuykendall	Riddle	Swift
Carlton	Locke	Rogers (Mobile)	Taylor
Chesnut	Mixon	Russell	Thomas
Dorsey	Mooneyham	St. John	Walton
Glover	McDowell	Simpson	Woodall

—24

Nays:—None.

The bill:

S. 327. In the interest of economy in the operation of the public schools of the State of Alabama, to authorize county and city boards of education to take steps to re-finance warrants or other obligations outstanding for school purposes carrying an interest rate in excess of four and one-half ($4\frac{1}{2}$) per cent.

Was taken up.

The Standing Committee on Education reported the following amendment to said bill, to-wit:

Amend Section 1 of S. B. 327 by adding immediately after the word: "refinance" and immediately before the word: "warrants" in the third line of said section, the following word: "unmatured".

Amend Section 2 of S. B. 327 by adding immediately after the word "where" and immediately before the word: "Warrants" in the first line of said section, the word: "unmatured".

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Taylor
Browder	Locke	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Wellborn
Glover	Parrish	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nay, 1.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Swift
Browder	Kuykendall	Rogers (Mobile)	Taylor
Carlton	Locke	Russell	Thomas
Chesnut	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Wellborn
Glover	McDowell	Stephens	

—23

Nay:—Mr. Frazer.

—1

The bill:

S. 182, To regulate the practices of professional engineering including land surveying; creating a State Board of Registration for Professional Engineers and Land Surveyors; defining its powers and duties; also imposing certain duties upon the State and political subdivisions thereof in connection with public work; providing penalties.

Was taken up.

On motion of Mr. Bonner, further consideration of said bill was postponed until the next Legislative Day and made a Special Order for 3 P. M. on that day.

BILL INDEFINITELY POSTPONED

On motion of Mr. Kelly, further consideration of the bill:

H. 202. To alter and rearrange the boundaries of the Town of Castleberry.

Was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution: and returns same herewith to the Senate:

S. J. R. 91. Relative to inviting the Governor to appear before a Joint Session of the House and Senate Tuesday, August 13th, 1935, at 12 o'clock.

And the Speaker of the House has appointed Mr. Coleman to wait upon the Governor and notify him of this invitation.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

S. J. R. 92. Relative to the two Houses adjourning today to meet Tuesday, August 13th, 1935, at 10 o'clock A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 244. To provide for the filing of delayed certificates of birth and death.

Also:

S. 245. To repeal Sections 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, and 1932 of the Code of Alabama of 1923, all of which sections are parts of the Municipal Corporations Code, pertaining to the public health of Alabama.

Also:

S. 246. To repeal Sections 1057, 1062, 1083, 1084, 1099, 1117, 1121, 1122, 1123, 1126, 4357, 4358, 4368, 4467, 4471, and 4474, of the Code of Alabama of 1923, all of which are parts of the Public Health Law.

And return same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the following bill:

S. 36. To fix the minimum age at which children may enter public schools in Alabama and to repeal all laws, or parts of laws in conflict herewith.

By a vote of a majority of the whole number elected to the House; said vote being: Yeas, 78; and Nays, 0.

And said Bill, S. 36, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 78; and Nays, 0.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

ORDER TO PRINT

On motion of Mr. Mooneyham, 500 copies of the bill:

S. 365. To create a State Department of Public Welfare; to provide for a State Board of Public Welfare for the government thereof; to prescribe its powers and duties; to provide for the appointment of a Commissioner as Executive Officer and for the appointment of other employees, their compensation and the maintenance and other expenses of the State Department of Public Welfare; to transfer to the State Department of Public Welfare all the powers, duties, and obligations now vested in and relating to the State Child Welfare Department, except the administration of the State Child Labor Law, which may now or hereafter be transferred to the Department of Labor in the event such department be established; to transfer to the State Department of Public Welfare all those duties having to do primarily with the determination of need and authorization of relief now performed by the Alabama Relief Administration; to empower the State Department of Public Welfare to administer all public assistance funds, child welfare funds, and all funds appropriated by the Legislature to the State Department of Public Welfare for the purposes for which they are appropriated; to authorize the State Department of Public Welfare to act as agent for and to cooperate with any Federal or State agency or enactment now or hereafter provided by law for the purpose of rendering public assistance and services through any of the bureaus herein created; to authorize the State Board of Public Welfare to create such other bureaus and divisions within the purview of this Act as may be necessary for its administration and to prescribe rules and regulations governing the same; to authorize the State Board of Public Welfare to prescribe adequate standards of education, training and experience which must have been attained by persons selected for the positions to be filled in each of the bureaus and divisions of the State Department of

Public Welfare and in the several county departments of public welfare; to authorize the State Board of Public Welfare to issue certificates to such persons as may meet the qualifications prescribed; to provide a mental hygiene program of non-institutional care; to authorize the State Department of Public Welfare to collect statistics and other information relative to public welfare and to make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for public assistance, family welfare, child welfare and other welfare activities; to create county departments of public welfare and to provide for county boards of public welfare for the government thereof; to prescribe their powers and duties; to transfer to the county boards of public welfare and the county departments of public welfare all rights, duties, powers and obligations of the present county child welfare boards; to authorize the county departments of public welfare, operating under the county boards of public welfare to act as agents for and to cooperate with any Federal, State or County agency or enactment now or hereafter provided by law for the purpose of rendering public assistance, family welfare services and child welfare services; and to repeal all laws in conflict herewith.

Were ordered printed for use of the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the thirty-seventh Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the thirty-seventh Legislative day approved by the Senate.

ADJOURNMENT

At 12:10 P. M., on motion of Mr. Tucker and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, August 13th, 1935, at 10 A. M.

THIRTY-EIGHTH DAY

Tuesday, August 13th, 1935.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Dr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Frazer	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Goldsmith	Riddle		

—30

JOURNAL

On motion of Mr. Kelly, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Tucker, leave of absence was granted Mr. Simpson for to-day.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced severally read one time and referred to appropriate standing committees, as follows: By Mr. Starnes:

S. 367. To make it unlawful for any person, firm or corporation to set up, operate, maintain or conduct a fish trap or fish traps in any water or stream lying, partly or in whole, in St. Clair County, Alabama, and to provide a penalty for the violation of the provisions of this act; to provide for the repealing of all laws inconsistent herewith; and to provide a time when said act shall become effective.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present regular session of the Legislature of Alabama, 1935, a bill substantially as follows will be introduced for enactment into law, to-wit:

A BILL TO BE ENTITLED AN ACT

To make it unlawful for any person, firm or corporation to set up, operate, maintain or conduct a fish trap or fish traps in any water or stream lying, partly or in whole, in St. Clair County, Alabama, and to provide a penalty for the violation of the provisions of this act; to provide for the repealing of all laws inconsistent herewith, and to provide a time when said act shall become effective.

Be it enacted by the Legislature of Alabama:

Section 1. That on or after the passage and approval of this act it shall be unlawful for any person, firm or corporation to set up, operate, maintain or conduct a fish trap or fish traps in any water or stream lying, partly or in whole, in St. Clair County, Alabama, and any person, firm or corporation who violates any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for the first offense, and on the second or subsequent conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred (\$500.00) Dollars.

Section 2. That all laws or parts of laws conflicting with this act in so far as same relates to St. Clair County, Alabama, be and the same as hereby repealed.

W. T. Starnes.

STATE OF ALABAMA, }
ST. CLAIR COUNTY. }

Before me, a Notary Public, in and for said State and County personally appeared F. W. White, the publisher of The Pell City News, a newspaper published at Pell City, Ala., in said county, and who being duly sworn deposes and says that the foregoing notice hereto attached has been regularly published once a week for 4 consecutive weeks in said paper.
dates May 9-16-23-30, 1935.

F. W. White.

Sworn to and subscribed before me this the 6th day

of June, 1935.

Rose Garry,
Notary Public.

(Seal)

By Mr. Kelly:

S. 368. To appropriate thirty thousand (\$30,000.00) dollars annually, or as much thereof as may be necessary for compensation of local registrars of births, stillbirths and deaths and clerical assistance as herein provided as may be necessary to carry out the provisions of this Act.

Committee on Finance and Taxation.

By Mr. Kelly:

S. 369. To provide for the registration of original marriage licenses with the Bureau of Vital Statistics of the State Board of Health and license fees therefor and to provide for the issuance of certified copies thereof.

Committee on Public Health.

By Mr. Kelly:

S. 370. To amend Section 1154 of the Code of 1923, relating to Public Health.

Committee on Public Health.

By Mr. Riddle:

S. 371. To create and provide for and regulate a Department of Labor in the State of Alabama; to prescribe its authority and jurisdiction, and provide for a commissioner of labor and fix his salary and define his duties.

Committee on Immigration and Industrial Resources.

REPORTS OF COMMITTEES

Mr. Walton, Chairman of the Standing Committee on Military, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Wellborn:

S. 339. To cede to the United States of America exclusive jurisdiction over the Fort McClellan Military Reservation in Calhoun County, Alabama.

By Mr. Woodall:

S. 362. To create an Armory Commission for the State of Alabama and to authorize the persons named therein to form and organize a corporation to be known as the "Armory Commission of Alabama"; to specify and define its authority and duties; to authorize said Commission when incorporated to construct and maintain armories, drill and training areas for the National Guard and Naval Militia and their various units; to authorize municipalities, counties, the State and others to co-operate in and about the construction of armories, the providing of drill and training areas and to assist in paying therefor; to authorize municipalities and counties to convey to The Armory Commission of Alabama lands owned by them on which to construct such armories, whether such lands already be used for parks or other purposes; to authorize The Armory Commission of Alabama to finance, or refinance armory buildings that have already been constructed, to finance the improvement of such armories, and to authorize The Armory Commission of Alabama to finance the construction of other or further or additional armories; and to authorize the Governor of Alabama, in his discretion, to use a part of any appropriation made for military purposes for the purpose of paying any deficit of principal or interest under any plan of financing or refinancing, adopted by The Armory Commission of Alabama for the financing, or refinancing, of armories already in existence, the construction of, improvements to or additions to, such armories already in existence and the construction of new and additional armories.

Mr. Dorsey, Chairman of the Standing Committee on Fish and Game reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a fav-

orable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Taylor (with Notice and Proof):

H. 560. To repeal an Act to amend and change the time within which wild ducks, geese and paules d'eaux (commonly known as coots) may be shot, killed or pursued with such intent within Mobile County and a certain portion of Baldwin County, Alabama, said Act is found on page 195 of the Local Acts of Mobile County of Alabama of 1931, approved July 17th, 1931.

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar to-wit:

By Mr. Miller:

H. 743. To amend Section 7 of an Act to provide for the subordinate officers and employees of the Legislature, including the Senate and the House of Representatives; to fix the number, their positions, terms of office and employment, and the mode of their selection or election; to fix the compensation of such subordinate officers and employees, and to provide how and when such compensation shall be paid; providing clerical assistants to the Secretary of the Senate and the Clerk of the House after adjournment for the completion of the journals, and fixing the time for the filing of same in the office of the Secretary of State and delivery of copy thereof to the State Printer; providing for an information bureau for the members of the Legislature and the public, and providing duties for the Secretary of the Senate and the Clerk of the House of Representatives after adjournment, and to repeal an Act to amend Section 1530 of the Code of Alabama of 1923, approved January 27, 1927, also the Act to authorize the Senate and the House of Representatives of the Legislature of Alabama; to fix by resolution the per diem of the subordinate officers and employees of the respective Houses, and fix the expense allowances to the President Pro Tem of the Senate, approved February 20, 1931, and to repeal all laws and parts of laws in conflict herewith, approved March 8, 1933.

ADVERSE REPORT

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an Adverse report, and it was placed on the adverse calendar, to-wit:

By Mr. Wellborn:

S. 139. To provide for the examination and audit by the Division of Departmental and County Audits of the records of all city officers in cities of Alabama which may now or hereafter have a population of ten thousand (10,000) or more according to the last or any subsequent Federal Census; to provide for the payment of the cost of said examination; and to provide for the employment of a sufficient number of clerical assistants in the Division of Departmental and County Audits to carry out the provisions of this Act.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 244. To provide for the filing of delayed certificates of birth and death.

S. 245. To repeal Sections 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, and 1932 of the Code of Alabama of 1923, all of which sections are parts of the Municipal Corporations Code, pertaining to the public health of Alabama.

S. 246. To repeal Sections 1057, 1062, 1083, 1084, 1099, 1117, 1121, 1122, 1123, 1126, 4357, 4358, 4368, 4467, 4471, and 4474, of the Code of Alabama of 1923, all of which are parts of the Public Health Law.

S. 36. To fix the minimum age at which children may enter public schools in Alabama and to repeal all laws, or parts of laws in conflict herewith.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Sparks (Walker):

H. 587. To authorize the County Commission, Board of Revenue or other governing body of Walker County, to build, equip, maintain, and operate a County Hospital within said county and to appropriate out of the County Treasury such sums of money as are necessary for the operation of said hospital; to provide for the appointment of a hospital board by the said County Commission, Board of Revenue or other governing body of said county to operate said hospital; to provide for a secretary to said hospital board and fix his salary and prescribe his duties; and to make such rules and regulations as are necessary for the maintenance and operation of said hospital.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced in the present Legislature providing in substance as follows:

AN ACT ENTITLED AN ACT

To authorize the County Commission, Board of Revenue, or other governing body of Walker County, to build, equip, maintain, and operate a County Hospital within said County, and to appropriate out of the County Treasury such sums of money as are necessary for the operation of said hospital; to provide for the appointment of a hospital board by the said County Commission, Board of Revenue, or other governing body of said county, to operate said hospital, and to authorize such board to make such rules and regulations as are necessary for the operation of said hospital, and to fix the qualifications of physicians permitted to practice therein, and to regulate the admission of patients and fix the charges for those admitted to said hospital who are unable to pay; and to make and adopt such other rules and regulations necessary to make it a standard and accredited hospital.

W. S. Sparks.

THE STATE OF ALABAMA, }
WALKER COUNTY. }

Before me, the undersigned authority in and for said State and County, this day personally appeared Bernard Guthrie, Publisher of the Union News, a newspaper published at Jasper, Walker County, Alabama, who being duly sworn, says that the Legal Notice, copy of which is hereto attached, was published in the said Union News once a week for Four consecutive weeks, namely: 5-2-35, 5-9-35, 5-16-35, 5-23-35.

Bernard Guthrie,
Publisher.

Sworn and subscribed to before me, this 23rd day of May, 1935.

Charlotte Collins,
Notary Public.

Also:

By Messrs. Taylor, McDermott & Staples:

H. 601. To require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her

duties at least ten separate school days during each school year without loss of pay, also such additional absence as any such teacher may deem necessary, during which additional absence said board may deduct from such teacher's pay only the actual cost of a substitute teacher; to repeal all laws and parts of laws in conflict herewith.

With notice and proof thereto attached and herewith exhibited, as follows:

LEGAL NOTICE

Notice: Notice is hereby given that application will be made to the present session, or recess session, thereof, of the Alabama Legislature, for the passage of a bill, in substance as follows:

"A bill to be entitled an Act to require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her duties at least ten separate school days during each school year without loss of pay, also such additional absence as any such teacher may deem necessary, during which additional absence said board may deduct from such teacher's pay only the actual cost of a substitute teacher; to repeal all laws and parts of laws in conflict herewith.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of School Commissioners of Mobile County is hereby required to permit each teacher in the public schools of Mobile County to be absent from her duties for at least ten separate school days during each school year without loss of pay, also such additional absence as said teacher may deem necessary, during which additional absence said board may deduct from said teacher's pay only the actual cost of a substitute teacher for said teacher.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed."

STATE OF ALABAMA, }
MOBILE COUNTY. }

Personally appeared before me, the undersigned Notary Public, in and for said State and County, Sid Berry, who upon oath deposes and says that he is the publisher of The Mobile Post which is a newspaper of general circulation in Mobile County, Alabama, and that the attached printed matter appeared in said newspaper in its issues of May 3, 10, 17 and 24, 1935.

Sid Berry.

Subscribed and sworn to before me this 27 day of May, 1935.

George F. Sossaman,

Notary Public, Mobile County, Alabama.

Also:

By Mr. Doster:

H. 733. To validate and make payable out of the Fine and Forfeiture Fund of Autauga County, Alabama, outstanding warrants due the present Judge of the Civil and Criminal Court of Autauga County, Alabama, and to provide the manner of payment of the same, and the registration of said warrants.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama which is now in session for its passage and approval by the Governor.

A BILL TO BE ENACTED AN ACT

To validate and make payable out of the Fine and Forfeiture Fund of Autauga County, Alabama, outstanding warrants due the present Judge of the Civil and Criminal Court of Autauga County, Alabama, and to provide the manner of payment of the same, and the registration of said warrants.

Be it enacted by the Legislature of Alabama:

Section 1. That all outstanding warrants due the present Judge of the Civil and Criminal Court of Autauga County shall upon the passage and approval of this bill be paid out of the Fine and Forfeiture Fund of Autauga County, Alabama.

Section 2. That the present Judge of the Civil and Criminal Court of Autauga County, Alabama shall immediately after the passage and approval of this bill, file with the County Treasurer or County Custodian the warrants now held by him for services rendered as Judge of the Civil and Criminal Court of Autauga County, Alabama, and at the same time make and affidavit to the effect that said warrants are due to him for services rendered as Judge of the Civil and Criminal Court of Autauga County, Alabama, and that after exhausting all funds available for the payment of same the warrants are now due and remain unpaid. That immediately said warrants shall be registered by the County Treasurer or Custodian as charges against said Fine and Forfeiture Fund, and become a charge against said fund, and shall be paid by the treasurer or Custodian in the order of the registration of same.

Section 3. That this bill shall become effective upon its passage and approval by the Governor.

Section 4. That all laws and parts of laws, both general and special, in conflict herewith are hereby repealed.

STATE OF ALABAMA, }
AUTAUGA COUNTY. }

Before me, J. Harvey Lewis a Notary Public in and for said County and State, personally appeared H. M. Doster, known to me to be the Publisher of the Prattville Progress, a newspaper published in said County and State, who being by me duly sworn, deposes and says on oath that, the notice copy of which is hereto attached, was published in said paper for four consecutive weeks, Viz: May 30, June 6, 13, 20th, 1935.

H. M. Doster,
Publisher.

Sworn to and subscribed before me, this 25 day of June, 1935.

J. Harvey Lewis,
Notary Public.

(Seal)

Also:

By Mr. Burleson:

H. 764. To prescribe the salary and the manner of payment of the same, of the chief deputy sheriff for Morgan County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

AN ACT

To prescribe the salary and the manner of payment of the same, of the chief deputy sheriff for Morgan County, Alabama.

Be it enacted by the Legislature of Alabama:

1. The salary of the chief deputy sheriff for Morgan County, Alabama, shall be in the sum of one thousand and fifty dollars per annum, the same to be paid in equal monthly installments out of the treasury of said county, upon the warrant of the Board of Revenue or other governing board of said county.

2. That all laws and parts of laws in conflict herewith are hereby expressly repealed, and this act shall be of force and effect from and after its approval by the governor.

F. E. Burleson,
T. C. Almon.

STATE OF ALABAMA, }
MORGAN COUNTY. } ss.

Before me, R. T. Sheppard a Notary Public in and for said State and county appeared C. H. Timberlake known to me to be the Bookkeeper of the Decatur Daily a daily newspaper publisher at Decatur, Morgan County, Alabama; who after being duly sworn by me deposes and says that Legal notices as per copies attached appeared in The Decatur Daily on the following dates May 20-27 & June 3-10, 1935 and the reason that it is not possible to furnish copies of the above dates is, the files of those dates are completely exhausted.

C. H. Timberlake,

Sworn to and subscribed before me this the 29 day of June, 1935.

(Seal) R. T. Sheppard,
Notary Public.

My Commission expires the 14 day of December, 1936.

Also:

By Mr. Burleson:

H. 765. To allow the sheriff of Morgan County, Alabama, a deputy sheriff in addition to the chief deputy sheriff, and fix his salary, and make it payable out of the general funds of the county in equal monthly installments, said deputy to be located in Decatur, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

To allow the sheriff of Morgan County, Alabama, a deputy sheriff in addition to the chief deputy sheriff, and fix his salary, and make it payable out of the general funds of the county in equal monthly installments, said deputy to be located in Decatur, Alabama.

Be it enacted by the Legislature of Alabama:

1. That the sheriff of Morgan County, Alabama, is hereby allowed a deputy sheriff in addition to the chief deputy sheriff, which said deputy sheriff shall be located at Decatur, Alabama, and shall receive a salary of one thousand and fifty dollars per annum, to be paid in equal monthly installments out of the general fund of said Morgan County, and shall be eligible to perform duties anywhere in said county.

2. On the first day of each month, a statement of the name and amount due said deputy sheriff shall be furnished the Board of Revenue of said county by the sheriff of said county, and it shall be the duty of said Board of Revenue to order a warrant drawn upon the general funds of said county in favor of said deputy sheriff for the amount of the monthly salary.

3. Be it further enacted that all laws and parts of laws in conflict herewith are hereby expressly repealed, and this act shall be of force and effect from and after its approval by the Governor.

F. E. Burleson,
T. C. Amon.

STATE OF ALABAMA, }
MORGAN COUNTY. } ss.

Before me, R. T. Sheppard a Notary Public in and for said State and county appeared C. H. Timberlake known to me to be the Bookkeeper of the Decatur Daily a daily newspaper published at Decatur, Morgan County, Alabama; who after being duly sworn by me deposes and says that Legal notices as per copies attached appeared in the Decatur Daily on the following dates May 20-27 & June 3-10, 1935 and the reason that it is not possible to furnish copies of the above dates is, the files of these dates are completely exhausted.

C. H. Timberlake.

Sworn to and subscribed before me this the 29 day of June, 1935.

R. T. Sheppard,
Notary Public.

(Seal)

My Commission expires the 14 day of December, 1936.

Also:

By Mr. Connor:

H. 786. To amend Section 11 of an Act of the Legislature approved August 15, 1923, entitled "An Act to amend an Act approved September 25th, 1915, entitled: 'An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;' and to provide for the going into effect of the various sections of said Act as amended;" to provide for the qualifications, appointments, selection, employment, terms, regulations, compensation and removal of certain employees in such cities.

Also:

By Mr. Cox:

H. 812. To relieve or exempt the Central Alabama Hospital, Inc., a corporation, of or from the payment of all Ad Valorem taxes

assessed against it or its property in Chilton County, Alabama, for the State of Alabama and for Chilton County for the tax year 1932, and/or which was due on said property at said time, and to annul, set aside and avoid the sale of said property for such taxes, which sale was made by W. G. Culp, as Tax Collector of Chilton County, Alabama, on the 19th day of November, 1934, and sold to the State of Alabama for \$288.96, said sale being made under a decree of the Probate Court of Chilton County, Alabama, dated October 15th, 1934, and to declare such property exempt from such taxes, it appearing that the property so sold was exempt from taxation during said tax year but that such exemption was not claimed or allowed.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

State of Alabama, Chilton County.

Notice is hereby given that a Bill will be introduced at the 1935 session of the Legislature of Alabama, which Bill is in substance, as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To relieve or exempt the Central Alabama Hospital, Inc., a corporation, of or from the payment of all Ad Valorem taxes assessed against it or its property in Chilton County, Alabama, for the State of Alabama and for Chilton County for the tax year 1932, and/or which was due on said property at said time, and to annul, set aside and avoid the sale of said property for such taxes, which sale was made by W. G. Culp, as Tax Collector of Chilton County, Alabama, on the 19th day of November, 1934, and sold to the State of Alabama for \$288.96, said sale being made under a decree of the Probate Court of Chilton County, Alabama, dated October 15th, 1934, and to declare such property exempt from such taxes, it appearing that the property so sold was exempt from taxation during said tax year, but that such exemption was not claimed or allowed.

Be it enacted by the Legislature of Alabama:

Section 1. That the Central Alabama Hospital, Inc., a corporation, be and it is hereby relieved and exempted of or from the payment of all Ad Valorem taxes assessed against said Central Alabama Hospital, Inc., a corporation, or against any of its property in Chilton County, Alabama, for the tax year of 1932, including all Ad Valorem taxes due either to the State of Alabama or to Chilton County, Alabama, for said year, and/or any tax which was accrued and unpaid against said property at said time.

Section 2. That the sale made by W. G. Culp, as Tax Collector of Chilton County, Alabama, on November 19th, 1934, whereby the following described property assessed to Central Alabama Hospital, Inc., a corporation, viz:

A lot of land being at a point 928 feet East from the Southwest corner of the North Half of the Southwest Quarter of the Southeast Quarter of Section thirty-five Township twenty-two, range fourteen; and running thence East 105 feet; thence North 527 feet to the South side of the extension of Fifth Avenue; thence West along the South side of the extension of Fifth Avenue 105 feet; thence South 526 feet to the point of beginning,

containing one and one-eighth acres. Also a lot of land beginning at a point on the South side of the extension of Fifth Avenue from Tenth Street, said point being 33 feet West from the said Tenth Street, and running thence West along the South side of the extension of Fifth Avenue 198 feet; thence South 268 feet; thence East 200 feet; thence North 268 feet to the point of beginning; contain one and one-eighth acres. All of said land being situated in the Town of Clanton, Chilton County, and the State of Alabama; was sold for Ad Valorem taxes due on said property to the State of Alabama and to Chilton County, Alabama, for the tax year of 1932 under decree of the Probate Court of Chilton County, Alabama, dated October 15th, 1934, be, and the same hereby is annulled, set aside and avoided and said property hereby declared exempt from such taxes, it appearing that such property was exempt from such Ad Valorem taxes for such year, but that such exemption was not claimed or allowed.

Section 3. That all laws and parts of laws in conflict with this Act be, and the same are hereby, expressly repealed.

STATE OF ALABAMA, }
CHILTON COUNTY. }

Personally appeared before me the undersigned authority, in and for said County in said State, T. E. Wyatt, being by me first duly sworn deposes and says as follows:

That he is publisher of the Union Banner, a newspaper of general circulation published at Clanton in said County and that the attached notice of the intention to introduce a Bill entitled, "To relieve or exempt the Central Alabama Hospital, Inc., a corporation, of or from the payment of all Ad Valorem taxes assessed against it or its property in Chilton County, Alabama, for the State of Alabama and for Chilton County for the tax year 1932, and/or which was due on said property at said time, and to annul, set aside and avoid the sale of said property for such taxes, which sale was made by W. G. Culp, as Tax Collector of Chilton County, Alabama, on the 19th day of November, 1934, and sold to the state of Alabama for \$288.96, said sale being made under a decree of the Probate Court of Chilton County, Alabama, dated October 15th, 1934, and to declare such property exempt from such taxes, it appearing that the property so sold was exempt from taxation during said tax year, but that such exemption was not claimed or allowed," was published in said newspaper once a week for four consecutive weeks, said notice and Bill appearing in the issues of June 27th, July 4th, July 11th, and July 18th, all in the year, 1935.

T. E. Wyatt.

Sworn to and subscribed before me this the 29th day of July, 1935.

Lawrence F. Gerald,
Notary Public.

(Seal)

Also:

By Mr. Cox:

H. 813. To relieve and release J. T. Rockett, former Tax Collector of Chilton County, Alabama, on account of his failure to collect, while Tax Collector of Chilton County, Alabama, Ad Valorem Taxes assessed against the Central Alabama Hospital, Inc., a corporation, and its property in Chilton County, Alabama, for the tax years of 1929 and 1930, said Central Alabama Hospital, Inc., a corporation, having been entitled during said tax years to an exemption as against tax on said property and the relief and release here-

by granted being on an assessment in each of said years of a tax value of \$12,000.00, and to grant an exemption from said taxes to said Central Alabama Hospital, Inc., a corporation, for said tax years of 1929 and 1930.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

State of Alabama, Chilton County.

Notice is hereby given that a Bill will be introduced at the 1935 session of the Legislature of Alabama, which Bill is in substance as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To relieve and release J. T. Rockett, former Tax Collector of Chilton County, Alabama, on account of his failure to collect, while Tax Collector of Chilton County, Alabama, Ad Valorem Taxes assessed against the Central Alabama Hospital, Inc., a corporation, and its property in Chilton County, Alabama, for the tax year of 1929 and 1930, said Central Alabama Hospital, Inc., a corporation, having been entitled during said tax years to an exemption as against tax on said property and the relief and release hereby granted being on an assessment in each of said years of a tax value of \$12,000.00, and to grant an exemption from said taxes to said Central Alabama Hospital, Inc., a corporation, for said tax years of 1929 and 1930.

Be it enacted by the Legislature of Alabama:

Section 1. That J. T. Rockett, former Tax Collector of Chilton County, Alabama, be, and he is hereby relieved and released from liability for or on account of his failure while Tax Collector of Chilton County, Alabama, to collect the Ad Valorem Taxes due to the State of Alabama and Chilton County, Alabama, by the Central Alabama Hospital, Inc., a corporation, on an assessed tax value of \$12,000.00 for the tax year of 1929 and 1930, on the following described real estate, situated in Chilton County, Alabama, to-wit:

A lot of land beginning at a point 928 feet East from the Southwest corner of the North Half of the Southwest Quarter of the Southeast Quarter of Section thirty-five Township twenty-two, range fourteen; and running thence East 105 feet; thence North 527 feet to the South side of the extension of Fifth Avenue; thence West along the South side of the extension of Fifth Avenue 105 feet; thence South 526 feet to the point of beginning, containing one and one-eighth acres. Also a lot of land beginning at a point on the South side of the extension of Fifth Avenue from Tenth Street, said point being 33 feet West from the said Tenth Street, and running thence West along the South side of the extension of Fifth Avenue 198 feet; thence South 268 feet; thence East 200 feet; thence North 268 feet to the point of beginning; containing one and one-eighth acres. All of said land being situated in the Town of Clanton, Chilton County, and the State of Alabama; said Central Alabama Hospital, Inc., having been entitled to claim said property as exempt from such taxes during said tax years.

Section 2. That the Central Alabama Hospital, Inc., a corporation, is hereby released and exempted from the payment of Ad Valorem taxes due to State of Alabama and Chilton County, Alabama, in Chilton County, Alabama, for the tax year of 1929 and 1930, upon the said property owned by it in Chilton County, Alabama, of the tax value of \$12,000.00.

Section 3. That all laws and parts of laws in conflict with this Act be, and the same are hereby, expressly repealed.

STATE OF ALABAMA, }
 CHILTON COUNTY. }

Personally appeared before me the undersigned authority, in and for said County in said State, T. E. Wyatt, who being by me first duly sworn deposes and says as follows:

That he is publisher of the Union Banner, a newspaper of general circulation published at Clanton in said County and that the attached notice of the intention to introduce a Bill entitled, "To relieve and release J. T. Rockett, former Tax Collector of Chilton County, Alabama, on account of his failure to collect, while Tax Collector of Chilton County, Alabama, Ad Valorem Taxes assessed against the Central Alabama Hospital, Inc., a corporation, and its property in Chilton County, Alabama, for the tax years of 1929 and 1930, said Central Alabama Hospital, Inc., a corporation, having been entitled during said tax years to an exemption as against tax on said property and the relief and release hereby granted being on an assessment in each of said years of a tax value of \$12,000.00, and to grant an exemption from said taxes to said Central Alabama Hospital, Inc., a corporation, for said tax years of 1929 and 1930," was published in said newspaper once a week for four consecutive weeks, said notice and Bill appearing in the issues of June 27th, July 4th, July 11th, and July 18th, all in the year, 1935.

T. E. Wyatt.

Sworn to and subscribed before me this the 29th day of July, 1935.

Lawrence F. Gerald,

(Seal)

Notary Public.

Also:

By Mr. Chichester:

H. 725. To amend Sections 2, 4, 9, 10, 11, 17 and 18 of an Act of the Legislature approved September 10th, 1919 entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said Court, the Judge, the Clerk and other Officers thereof; to provide for a place of holding said Court, terms and salaries of said Judge and Officers of said Court, the manner of their appointment and election and the payment of their salaries." (Local Acts 1919, p. 121) as amended by an Act of the Legislature approved February 9th, 1923, entitled "An Act to amend an Act entitled 'an Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place of holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries,' approved of to provide a place for holding said court; the terms, and salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers, and employees of said court, their number, appointment and authority; and to provide for the creation of an ex officio judge of said court, and to define his duties." (Local Acts 1923, p. 16) as amended by an Act of the Legislature approved September 19, 1923, entitled "An Act to amend Section 10 of an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction

and powers of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said Judge and officers of said court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex officio judge of said court, and to define his duties." (Local Acts 1923 p. 215) as amended by an Act of the Legislature approved July 21, 1931, entitled "An Act to amend an Act approved September 10th, 1919, entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said Court, the Judge, the Clerk and other officers thereof; to provide for a place of holding said Court, terms and salaries of said Judge and officers of said Court, the manner of their appointment and election and the payment of their salaries.' (Local Acts 1919, page 121). And to Amend an Act of the Legislature approved February 9th, 1923, entitled 'An Act to amend an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and power of said Court; a judge, a clerk, and other officers thereof; to provide a place for holding said Court, the terms and salary of said Judge and officers of said Court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919, and to provide for the increase of the salary of the Judge and other officers of said Court, and to amend the provisions as to the Judges, Officers and Employees of said Court, their number, appointment and authority, and to provide for the creation of an ex officio judge of said court, and to define his duties.' (Local Acts 1923, p. 16). And to repeal an Act approved September 24th, 1923 entitled "An Act to create the office of first assistant clerk and ex officio judge of the Jefferson County Court of Misdemeanors; to define his duties, compensation and authority, to provide for his appointment and compensation, the equipment and location of his office and for the repeal of all laws in conflict with the provisions of this Act.' (Local Acts 1923, page 231.) And to repeal an Act approved August 25th, 1927, entitled 'An Act to further amend an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and power of said Court, the Judge, Clerk and other officers thereof; to provide for the place of holding said Court, terms and salaries of said Judge and Officers of said Court, the manner of their appointment and election, and the payment of their salaries,' approved September 10th, 1919, and the Act amending said Act approved February 9th, 1923, and to provide for the increase of the salary

of the Judge and other Officers and Employees of said Court, and to amend the provisions as to the Judge, Officers and Employees of said Court, their number, appointment, authority and to provide for the creation and manner of appointment, duties and salary of an additional Judge of said Court, to be known as Supernumerary Judge.' (Local Acts 1927, page 260)," (Local Acts 1931, p. 250); to provide for the terms, qualifications, method of appointment, and salaries of temporary Judges of said Court; to provide a clerk for said Court, his duties, qualifications, method and condition of appointment, and compensation; to provide deputy clerks for said Court, their duties, method and condition of appointment, and compensation; to abolish the office of marshal of said Court and transfer the functions of said office to the office of the sheriff of said county; to provide a solicitor for said Court, his duties, qualifications, method and condition of appointment, and compensation.

With notice and proof thereto attached and herewith exhibited as follows:

To Whom It May Concern:

Take notice that intention is had to apply for the passage at the 1935 session of the Legislature of Alabama of a local bill in substance as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend Sections 2, 4, 9, 10, 11, 17 and 18 of an Act of the Legislature approved September 10th, 1919, entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said Court, the Judge, the Clerk and other Officers thereof; to provide for a place of holding said Court, terms and salaries of said Judge and Officers of said Court, the manner of their appointment and election and the payment of their salaries." (Local Acts 1919, p. 121) as amended by an Act of the Legislature approved February 9th, 1923, entitled "An Act to amend an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place of holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority; and to provide for the creation of an ex officio judge of said court, and to define his duties." (Local Acts 1923, p. 16) as amended by an Act of the Legislature approved September 19, 1923, entitled "An Act to amend Section 10 of an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said Judge and officers of said court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919, and to provide for the

increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex officio judge of said court, and to define his duties." (Local Acts 1923, p. 215) as amended by an Act of the Legislature approved July 21, 1931, entitled "An Act to amend an Act approved September 10th, 1919, entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said Court, the Judge, the Clerk and other officers thereof; to provide for a place of holding said Court, terms and salaries of said Judge and officers of said Court, the manner of their appointment and election and the payment of their salaries.'" (Local Acts 1919 page 121). And to amend an Act of the Legislature approved February 9th, 1923, entitled 'An Act to amend an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and power of said Court; a Judge, a Clerk, and other officers thereof; to provide a place for holding said Court, the terms and salary of said Judge and officers of said Court, the manner of their appointment and election, the payment of their salaries,'" approved September 10th, 1919, and to provide for the increase of the salary of the Judge and other officers of said Court, and to amend the provisions as to the Judges, Officers and Employees of said Court, their number, appointment and authority, and to provide for the creation of an ex officio judge of said court, and to define his duties.' (Local Acts 1923, p. 16). And to repeal an Act approved September 24th, 1923 entitled 'An Act to create the office of first assistant clerk and ex officio judge of the Jefferson County Court of Misdemeanors; to define his duties, compensation and authority; to provide for his appointment and compensation, the equipment and location of his office and for the repeal of all laws in conflict with the provisions of this Act.' (Local Acts 1923, page 231). And to repeal an Act approved August 25th, 1927, entitled 'An Act to further amend an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and power of said Court, the Judge, Clerk and other Officers thereof; to provide for the place of holding said Court, terms and salaries of said Judge and Officers of said Court, the manner of their appointment and election, and the payment of their salaries,' approved September 10th, 1919, and the Act amending said Act approved February 9th, 1923, and to provide for the increase of the salary of the Judge and other Officers and Employees of said Court, and to amend the provisions as to the Judge, Officers and Employees of said Court, their number, appointment, authority and to provide for the creation and manner of appointment, duties and salary of an additional Judge of said Court, to be known as Supernumerary Judge.' (Local Acts 1927, page 260)," (Local Acts 1931, p. 250); to provide for the terms, qualifications, method of appointment, and salaries of the Judge of said Court; to provide for the terms, qualifications, method of appointment, and salaries of temporary judges of said Court; to provide a clerk for said Court, his duties, qualifications, method and condition of appointment, and compensation; to provide deputy clerks for said Court, their duties, method and condition of appointment, and compensation; to abolish the office of marshal of said Court and transfer the functions of said office to the office of the sheriff of said county; to provide a solicitor for said Court, his duties, qualifications, method and condition of appointment, and compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That Sections 2, 4, 9, 10, 11, 17 and 18 of an Act of the Legislature approved September 10th, 1919, entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said Court, the Judge, the Clerk and other Officers thereof; to provide for a place of holding said Court, terms and salaries of said Judge and Officers of said Court, the manner of their appointment and election and the payment of their salaries." (Local Acts 1919, p. 121); as amended by an Act of the Legislature approved February 9th, 1923, entitled "An Act to amend An Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court, the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919; and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex officio judge of said court, and to define his duties," (Local Acts 1923, p. 16) as amended by an Act of the Legislature approved September 19, 1923, entitled "An Act to amend Section 10 of an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said Judge and officers of said court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties." (Local Acts 1923, p. 215) as amended by an Act of the Legislature approved July 21, 1931, entitled "An Act to amend an Act approved September 10th, 1919, entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said Court, the Judge, the Clerk and other officers thereof; to provide for a place of holding said Court, terms and salaries of said Judge and officers of said Court, the manner of their appointment and election and the payment of their salaries.' (Local Acts 1919 page 121). And to amend an Act of the Legislature approved February 9th, 1923, entitled 'An Act to amend an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and power of said Court; a Judge, a Clerk, and other officers thereof; to provide a place for holding said Court, the terms and salary of said Judge and officers of said Court, the manner of their appointment and election, the payment of their salaries' approved September 10th, 1919, and to provide for the increase of the salary of the Judge and other officers of said Court, and to amend the provisions as to the Judges, Officers and employees of said Court, their number, appointment and authority, and to provide for the creation of an ex officio judge of said court, and to define his duties.' (Local Acts 1923, p. 16). And to repeal an Act approved September 24th, 1923 entitled 'An Act to create the office of first assistant clerk and ex officio judge of the Jefferson County Court of Misdemeanors; to define his duties, compensation and authority, to provide for his appointment and compensation, the equipment and location of his office and for the repeal of all laws in conflict with the provisions' of this Act.' (Local Acts 1923, page 231). And to repeal an Act approved August 25th, 1927, entitled

'An Act to further amend an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said Court, the Judge, Clerk and other Officers thereof; to provide for the place of holding said Court, terms and salaries of said Judge and Officers of said Court, the manner of their appointment and election, and the payment of their salaries,' approved September 10th, 1919, and the Act amending said Act approved February 9th, 1923, and to provide for the increase of the salary of the Judge and other Officers and Employees of said Court, and to amend the provisions as to the Judge, Officers and Employees of said Court, their number, appointment, authority and to provide for the creation and manner of appointment, duties and salary of an additional Judge of said Court, to be known as Supernumary Judge.' (Local Acts 1927, page 260)," (Local Acts 1931, p. 250); be amended to read as follows: Section 2. There shall be a Judge of this Court who shall be learned in the law and who shall have been a resident of Jefferson County for at least one year before the beginning of his term of office, shall have been admitted to practice law within the state of Alabama, shall be at least twenty-five (25) years of age, and shall be a qualified elector of and reside in said county during his term of office. The term of the judge now serving as Judge of this court shall continue to and include and shall expire on December 31, 1936. Commencing on January 1, 1937, the term of office of the Judge of this Court shall be for a period of four years, and until his successor is appointed and qualified. The Judge of this Court, after the expiration of the term of the present Judge, or in case of the death, resignation, dismissal or disqualification of the present Judge before the expiration of his term of office, shall be appointed by the Judges of the circuit court of Jefferson County, Alabama, said appointment to be made by a majority in number of said circuit court Judges. For the purpose of making such appointment the Judge of the Probate Court of Jefferson County, Alabama, or in his absence or disability, the Presiding Judge of the circuit court of Jefferson County, Alabama, shall call a meeting of all of the Judges of said circuit court at a place to be designated by him, giving at least one day's notice of the time and place of said meeting, at which meeting the Judge calling the same shall preside and shall designate some clerk of said circuit court as secretary of said meeting, and the person receiving the vote of a majority of said Judges so attending said meeting shall be declared appointed, and the Judge presiding shall certify the same in writing and the same shall be recorded in the office of the Judge of Probate of Jefferson County, Alabama. A majority of the Judges of the said circuit court shall constitute a quorum for the purpose of making said appointment. All vacancies in the judgeship of this court shall be filled by appointment by the Judges of the said circuit court as hereinabove provided. In case the said Judge of the Jefferson County Court of Misdemeanors shall be unable to discharge any of the duties of his office by reason of sickness, disqualification or inability to hold said court for a period of more than ten (10) consecutive days, it shall be the duty of the Presiding Judge of the circuit court of Jefferson County, Alabama, to appoint some licensed attorney, resident of said county, and otherwise qualified under the terms of this Act, as special Judge, who shall perform all the duties of the Judge of this court during such illness, disqualification or inability of said Judge, which special Judge shall receive the same compensation as the regular Judge of the court, provided, however, that if the illness, disqualification or inability to serve of the regular Judge shall exceed thirty (30) days in each twelve (12) months, the compensation of the special Judge for all the time served by him in excess of thirty (30) days shall be deducted from the salary or compensation of the regular Judge of this court. Section

4. The salary of the Judge of this court shall be at the rate of Six Thousand Dollars per year, payable in twelve equal monthly installments out of the general funds of Jefferson County, up to and including December 31, 1936. On and after January 1, 1937, the salary of the Judge of this court shall be at the rate of Four Thousand Eight Hundred (\$4,800.00) Dollars per year payable in twelve equal monthly installments out of the general funds of Jefferson County, Alabama. Section 9. The Judge of said Jefferson County Court of Misdemeanors shall appoint a clerk for said court, who shall hold office as other employees of the county and who shall exercise and perform all the duties and have all the powers conferred and prescribed for the clerk of said court. The clerk, who is hereafter sometimes referred to as chief clerk, shall give bond with surety in the penal sum of Five Thousand (\$5,000.00) Dollars, payable to the State of Alabama and conditioned to faithfully discharge the duties of such office which bond shall be approved by the Judge of Probate of Jefferson County, Alabama, and filed in his office. The bond shall be conditioned to pay over all money to the proper officers and persons to whom it is payable and to faithfully account for all of the money coming into his hands by virtue of his office. The bond may be secured by a solvent guarantee or indemnity company as sole surety. Upon such bond there shall be the same liabilities and remedies as upon the bond of the Clerk of the Circuit Court of Jefferson County. The premium to be paid for the making of said bond shall be paid by the County of Jefferson upon the warrant drawn by the Clerk. Section 10. The chief clerk for said court shall receive as compensation for his services such sums as the County Commission of said county shall fix, payable in equal monthly installments, out of the general funds of Jefferson County, Alabama. Section 11. The Judge of said court shall appoint as many clerks or deputies as may be needful or necessary for the proper conduct of the affairs of said office, the number of such clerks or deputies to be fixed as provided by law, and said clerks and deputies shall each receive such compensation as may be fixed by the County Commission of said county or by provisions of general law. Section 17. The offices of marshal of said court be and the same are hereby abolished. The sheriff of Jefferson County is hereby directed and authorized to perform all duties, powers and acts pertaining and required of such marshals and they are hereby required and directed to transfer all books, records, documents, papers and cases in their possession and under their supervision, whether now pending or disposed of, to the office of the sheriff of said county. Section 18. There is created the office of solicitor for the Jefferson County Court of Misdemeanors. The said solicitor shall be appointed by the Judge of said court to serve as other employees of said court. Such solicitor shall at and during the time of his appointment reside within the said county and be a duly licensed attorney of the State of Alabama. The solicitor shall attend all sessions of said court and prosecute all misdemeanors and all felonies to be heard on preliminary trial. The compensation of the solicitor shall be fixed by the County Commission of Jefferson County. There shall be taxed as part of the cost in each misdemeanor case prosecuted by such solicitor the sum of Two Dollars and fifty cents (\$2.50) dollars as solicitor's fee, and in all felony cases prosecuted by said solicitor there shall be taxed the sum of Five (\$5.00) dollars as solicitor's fee, which solicitor's fee shall be collected by the clerk of said court, or by the clerk of the circuit court when said cause is not finally determined in this court, and shall be by such clerks paid into the general fund of the county treasury.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and they are hereby repealed.

Section 3. In the event any section, provision, sentence, clause or phrase of this Act shall be held unconstitutional or void, such shall not affect the validity of the remainder of this Act.

Section 4. That this Act shall become effective immediately upon its approval by the Governor.

AFFIDAVIT

STATE OF ALABAMA, }
JEFFERSON COUNTY. }

Personally appeared before me, the undersigned authority, Geo. M. Howle, who first being duly sworn by me deposes and says on oath that he is the Publisher of The Weekly Call, a weekly Newspaper published in said State and County, and that the notice, a true copy of which is hereto attached, was published in The Weekly Call once a week for four consecutive weeks, commencing on the 4th day of May, 1935.

(Signed) Geo. M. Howle.

Subscribed and sworn to before me on this the 27th day of May, 1935.

(Signed) Clarice Bachus,
Notary Public.

Also:

By Mr. Taylor:

H. 844. To fix and provide for a supplementary salary of the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to fix the amount of such salary and to provide that same shall be paid out of the General Funds of the County Treasury of Mobile County, Alabama, and to provide that such salary shall be a preferred claim against the County and to be paid in equal monthly installments.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present session of the Legislature of Alabama, now in session, a Bill will be introduced and an effort made to have the same enacted into law, which Bill will provide in substance as follows:

A BILL TO BE ENTITLED AN ACT

To fix and provide for a supplementary salary of the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to fix the amount of such salary and to provide that same shall be paid out of the General Funds of the County Treasury of Mobile County, Alabama, and to provide that such salary shall be a preferred claim against the County and to be paid in equal monthly installments.

Be it enacted by the Legislature of Alabama:

Section 1. That in the Thirteenth Judicial Circuit of Alabama (Mobile County) immediately upon the approval of this Act, the County of Mobile, State of Alabama, shall supplement the state salary of the State Solicitor for said Circuit as now paid by the State of Alabama by paying him in addition thereto an annual salary in the sum of Twenty-seven Hundred (\$2700.00) Dollars, payable out of the General Funds of the County Treas-

ury of said County and in twelve equal payments. The purpose and intent hereof being to authorize, empower and direct the County of Mobile, Alabama, to pay out of the General Funds of the County Treasury of said County, to the said solicitor, an annual salary of Twenty-seven Hundred (\$2700.00) Dollars, payable in equal monthly payments, supplementary to the salary paid said Solicitor by the State of Alabama. The said supplementary salary shall be paid as provided herein on the warrant of the said Solicitor.

Section 2. The said supplementary salary of such solicitor shall be preferred claim against the said County of Mobile, Alabama, of the same class as are expenses of the Circuit Court of Mobile County, Alabama.

Section 3. This act shall take effect immediately upon its passage and approval.

Wm. M. Curran, being sworn, says that he is Auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the city and county of Mobile, state of Alabama; and that the attached notice appeared in the issues of The Mobile Press of July 6, 13, 20 & 27, 1935.

Wm. M. Curran.

Sworn to and subscribed before me this 30th day of July, 1935.

William J. O'Connor,

(Seal) Notary Public, Mobile County, Alabama.

My Commission Expires: May 21, 1937.

Also:

By Mr. Taylor:

H. 817. To define, regulate and license barbers and barber colleges, and other like businesses in Mobile County, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill in substance will be introduced for passage in the last part of 1935 Session of the Alabama Legislature.

A BILL TO BE ENTITLED AN ACT

To define, regulate and license barbers and barber colleges, and other like businesses in Mobile County, State of Alabama; and create a Barbers' Commission for said County; and to provide a penalty for the violation hereof, and to fix the powers and duties of said Commission.

Be it enacted by the Legislature of Alabama:

Section 1. That after the passage of this act it shall be unlawful for any person, co-partnership, association or corporation to act as a barber, operate a barber college, barber shop or other like business, to advertise or assume to act as such without a license issued by the Barbers' Commission of Mobile County. No co-partnership, association or corporation shall be granted a license, unless every member or officer of said co-partnership, association or corporation, who actively engage in the barber business, barber college or like business of such co-partnership, association or corporation, shall hold a license as a barber as hereinafter provided for.

Section 2. A barber, barber shop, barber college or other like business within the meaning of this Act is any person, firm, partnership, co-partnership, association or corporation, who, for a valuable consideration or hire, shaves or trims the beard, gives facial or scalp massages, or treats the same with oils or other preparations, singes, shampoos, cuts or dyes the hair of a human being, or applies hair tonic or other cosmetic preparations, clays, or lotions to the scalp, neck or face, or engages in the teaching of any person or persons in the art of barbering as in this paragraph defined. Provided, however, the provisions of this Act shall not apply to (1) persons engaged in the practice of medicine, surgery or beauty culture, (2) persons actively engaged in the military service of the United States Government while acting in line of duty, (3) registered nurses in the course of their employment as such, (4) persons who render any of said services to members of their immediate families, or other persons who receive such services without charge therefor.

Section 3. There is hereby created a Barbers' Commission for Mobile County, State of Alabama. The Governor shall appoint three (3) persons, each of whom immediately prior to the date of his appointment has been a resident of Mobile County, State of Alabama for three (3) years and who has at least five years experience as a barber, one member to be appointed for a term of one year, one member to be appointed for a term of two years, and one member to be appointed for a term of three years, and until their successors are appointed and qualify, thereafter, the term of the members of said Commission shall be for three years, and until their successors are appointed and qualify. Members to fill vacancies shall be appointed and vacancies caused by the expiration of the term shall be by said person appointed from time to time as required. The Commission immediately upon the qualification of the member appointed each year, shall organize by selecting from its members a Chairman, and may do all things necessary or convenient for carrying into effect the provisions of this Act. Each member of the Commission shall receive as full compensation for each day actually spent in the work of said Commission the sum of six dollars per day and his actual and necessary expenses thereby incurred. The Commission shall appoint and at its pleasure discharge, a secretary-treasurer and such assistants as may be deemed necessary to discharge the duties imposed by the provisions of this Act; The treasurer so appointed shall be required to enter into a bond to be approved by the Commission in the sum of not less than One Thousand (\$1,000.00) Dollars conditioned to pay any shortage or loss of funds on hand by said Treasurer during his term of office or at the time that he is holding office. Said Commission shall outline the duties and fix the compensation of the Treasurer. The Commission shall obtain such office space, furnishings, and other proper conveniences as shall be reasonably necessary for carrying out of the provisions of this Act. The principal office of said Commission to be located in the City of Mobile, provided however, that upon the request of said Commission, the Board of Revenue and Road Commissioners shall furnish an office in the Court House without charge. The Commission shall adopt a seal with such design as it may prescribe engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the Commission duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. All records kept in the office of the Commission under authority of this Act shall be open to public inspection under such rules and regulations as shall be prescribed by the Commission. All fees and charges collected by the Commission under the provisions of this Act, shall be paid into the Treasury of the Commission; said funds shall be used and kept exclusively in the hands of the Treasurer

of this Commission, and shall be used under the direction of the Commission, not inconsistent with this Act. Funds may be disbursed by an order of the Commission on a check being drawn by the Treasurer against such funds, as may be on hand, and approved by the Chairman of the Board for the purpose of paying all expenses incurred by the Commission, including the compensation of members and their employees and their assistants and the Treasurer, provided the total expenses for every purpose incurred shall not exceed the total fees and charges collected and paid into the Treasury of this Commission, and all monies remaining in said separate fund at the end of the fiscal year not expended as herein provided, shall become a part of the funds of said commission and shall be retained by the said Commission and may be deposited in any bank on Savings Account or otherwise.

Section 4. Licenses shall be granted only to persons of good moral character, who have an elementary school education, or its equivalent in the judgment of the Commission, and shall be at least 18 years of age, and have practiced as an apprentice for a period of at least one year and pass a satisfactory examination conducted by the Commission. Provided, however, any person or persons engaged in the occupation of barbering for a period of less than one year may be licensed as an apprentice barber, provided he is 17 years of age, and has an elementary school education, or its equivalent in the judgment of the Commission, upon successfully passing said Commissioner's examination for licensing a barber, as herein set forth.

Section 5. Whenever the masculine gender is used in this Act it is to include the feminine gender. Every applicant for a barber's license, apprentice-barber's license, or for a license to operate a barber shop or barber's college, or other like business shall apply therefor in writing on blanks prepared for and furnished by said Barber's Commission. It shall be accompanied by the recommendation of at least two barbers doing business in said County of Mobile, not related to applicant, certifying that the applicant is of good reputation, is qualified to practice the trade of barbering and recommending that a license be granted. Said application shall be accompanied by the application fee hereinafter provided, and a reputable doctor's certificate certifying that said applicant has no communicable or contagious or infectious disease. The Commission, after applications in proper form have been filed, shall set the application down for a hearing (before refusing to issue a license) and determination as hereinafter provided in this Act. The Commission shall issue a license in such form as it may prescribe, which shall show the name and address of the licensee and the barber shop or college in which he is employed. The seal of the Commission shall be imprinted on the license, and such other additional matter placed thereon as the Commission may designate. It shall be the duty of each person, co-partnership, association or corporation to conspicuously display his license in his place of business. The Commission shall issue to each licensee a pocket card, on which shall be an imprint of the seal of the Commission certifying that the person whose name appears thereon is a licensed barber or operator of one of the businesses herein named as the case may be. The original fee for each barber's license shall be \$7.50, and the annual renewal fee shall be \$7.50. The original fee for any non-resident barber coming into this State shall be \$15.00. Every license shall expire on the 31st day of December of each year. The Commission shall issue a new license for the ensuing year in the absence of any person or condition that might warrant the refusal of granting of the license upon the receipt of the written request of the applicant accompanied by the annual fee therefor, as herein required, and accompanied, also, by a certificate of a reputable physician asserting that the applicant then has no contagious, communicable or infectious

disease. The Commission may upon its own motion, and shall upon the verified complaint in writing of any three persons making out a prima facie case, investigate the actions of any persons hereby affected, and shall have the power to suspend or to revoke any license issued under the provisions of this Act at any time where the licensee has fraudulently obtained the license, or where the licensee in performing or attempting to perform any of the acts mentioned herein is deemed to be guilty of (a) the violation of any State, County or City statute or ordinance pertaining to the operation of the business hereby affected, (b) the violation of any rule or regulation established by the Commission, (c) or who has failed upon request of the Secretary-Treasurer to give evidence and/or proof of the compliance with the same. The Commission shall, before denying an application for license, or before suspending or revoking any license, set the matter down for a hearing, and at least ten days prior to the date set for the hearing, notify the applicant or licensee in writing, which notice shall contain an exact statement of the charges made, and the date and place of hearing. The applicant or licensee at all hearings, shall have the opportunity to be heard in person or by counsel or both. Such notice may be served by delivery of the same personally to the applicant or licensee, or by mailing the same by registered mail to the last known business of such applicant or licensee. In preparation and conduct of hearing, the Commission shall have power to require by subpoena the appearance and testimony of witnesses and the production of papers, and any member of the Commission may sign subpoenas, administer oaths and examine witnesses. The fees and mileage shall be the same as prescribed by law in judicial procedure in the courts of this State in civil cases. Any party to a hearing shall have the right to the attendance of witnesses in his behalf. In case of disobedience to a subpoena, any member of the Commission may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers, and such court may issue an order requiring the persons to appear before the Commission, and give evidence, or produce papers, as the case may be, and any failure to obey such order of the Court may be punished by the Court as a contempt thereof. Any person so refusing to appear and give testimony required by such Commission shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction as provided by the provisions of this Act. If the Commission shall determine that any applicant is not qualified to receive a license, or that any licensee is guilty of a violation of any of the provisions of this Act, a license shall not be granted, or the same suspended or revoked as the case may require. Upon request of the applicant or licensee in writing, the Commission shall furnish said party with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for its suspension or revocation of same. The findings of the Commission may be appealed to the Circuit Court of the County in which the principal office of the Commission may be located, provided an appeal is taken within 10 days after such final determination of the Commission. Any person desiring to appeal under this section shall file with the Commission or some member thereof, a notice in writing that he appeals to the Circuit Court with at least one solvent surety payable to the County of Mobile, conditioned to prosecute such appeal to effect, and upon failure to do so, to pay all costs and damages which may be taxed against him by the Circuit Court on such appeal. Such bond to be approved by the Circuit Clerk of Mobile County, and and cause so appealed shall be tried de novo in said Circuit Court. The Commission shall at least every three months hold an examination for the purpose of determining the qualifications of any applicants to become barbers or barber-apprentices, and shall

conduct said examination in accordance with the provisions hereof and in accordance with the rules and regulations promulgated by said Commission not inconsistent with this Act. Said examination to be conducted in the City town, or village where the principal office of the Commission is located.

Section 6. Any person violating the provisions of this Act shall upon conviction be punished by a fine of not more than five hundred dollars, or by imprisonment for a term not to exceed six months or by both fine and imprisonment in the discretion of the Court. This provision shall have application to any officer or agent of a corporation, co-partnership or association operated in violation of this Act. Any Court of competent jurisdiction in said County shall have full power to try any violation of this Act, and upon conviction the Court may at its discretion revoke the license of the person, co-partnership, association or corporation violating the terms hereof. Before the Commissioners herein provided for shall receive a commission and enter upon the discharge of their duties each shall take and subscribe the oath provided by law to be taken by elective officers of the State of Alabama.

Section 7. If any section, sub-section, sentence, clause, phrase or requirement of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this Act and each section, sub-section, sentence, clause, phrase and requirements thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, or requirements be declared unconstitutional.

Section 8. All laws, or parts of laws, in conflict with this Act be, and the same are hereby repealed.

Section 9. Nothing in this Act contained shall affect the power of the State, County or municipality to tax, license and regulate persons, co-partnerships, associations or corporations, operating barber shops barber colleges, or other like businesses. The requirements hereof shall be in addition to the requirement of any existing or future law or ordinances of any State, County, or municipality so taxing, licensing or regulating persons, co-partnerships, associations, or corporations operating barber shops, barber colleges, or other like businesses.

Section 10. This Act shall take effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA, }
COUNTY OF MOBILE. }

On this the 29 day of July, 1935, personally appeared before me, Doris Smolkin, a Notary Public in and for the County and State aforesaid, W. C. Taylor, who, being duly sworn according to law, declares that he knows of his own personal knowledge that the publication hereto attached was published in the Mobile Post, a newspaper published in Mobile County, Alabama, for four consecutive weeks on the following dates, June 21-28, July 5-12-'35.

W. C. Taylor.

Sworn and subscribed to before me, this the 29 day of July, 1935.

Doris Smolkin,

(Seal)

Notary Public, Mobile County, Alabama.

Also:

By Mr. Taylor:

H. 845. To provide for the appointment of a Chief Clerk by the State for the Thirteenth Judicial Circuit of Alabama (Mobile

County), to fix the term of office of said Chief Clerk, to prescribe the duties of said Chief Clerk and to require said Chief Clerk in addition to his work as Chief Clerk to do stenographic work for said Solicitor and also to work as an investigator for said Solicitor, to fix the compensation of said Chief Clerk, to provide that said compensation shall be paid out of the General Funds of the County Treasury of Mobile County, Alabama, and how the same shall be paid and to further provide that said salary of said Chief Clerk shall be a preferred claim against the County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present session of the Legislature of Alabama, now in session, a Bill will be introduced and an effect made to have the same enacted into law, which Bill will provide in substance as follows:

A BILL TO BE ENTITLED AN ACT

To provide for the appointment of a Chief Clerk by the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County), to fix the term of office of said Chief Clerk, to prescribe the duties of said Chief Clerk in addition to his work as Chief Clerk to do stenographic work for said Solicitor and also to work as an investigator for said Solicitor, to fix the compensation of said Chief Clerk, to provide that said compensation shall be paid out of the General Funds of the County Treasury of Mobile County, Alabama, and how the same shall be paid to further provide that said salary of said Chief Clerk shall be a preferred claim against the County.

Be it enacted by the Legislature of Alabama:

Section 1. That in the Thirteenth Judicial Circuit of Alabama (Mobile County), immediately upon the approval of this Act, there shall be appointed by the Circuit Solicitor of said Circuit a Chief Clerk to do all clerical work required of him by said Solicitor in connection with the operation of said Solicitor's office and to keep all official records in connection with said office and to report cases in the inferior courts and preliminary proceedings and applications for bail and habeas corpus proceedings in all courts whenever directed so to do by the Circuit Solicitor to such Circuit and it shall be the duty of said Chief Clerk to report all of the proceedings of the Grand Juries of such circuit and perform such stenographic duties in connection with the office of the Circuit Solicitor under the direction of the Circuit Solicitor as the said office may require and further it shall be the said Chief Clerk's duty to investigate any and all matters directed by the said Solicitor to be investigated and to make proper reports of such investigations to said Solicitor.

Section 2. Said Chief Clerk shall be paid out of the General Funds of the County Treasury of Mobile County, Alabama, in equal monthly installments an annual salary of Twenty-one Hundred (\$2100.00) Dollars on warrants drawn by said Chief Clerk on the County Treasurer of said County. The salary of said Chief Clerk shall be a preferred claim against the County, of the same class as are expenses of the Circuit Court of Mobile County, Alabama.

Section 3. The term of office of said Chief Clerk be at the pleasure of the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama (Mobile County), and the said Chief Clerk may be removed at any time by the said Circuit Solicitor at the Pleasure of the said Circuit Solicitor.

Section 4. This act shall take effect immediately upon its passage and approval.

Wm. M. Curran, being sworn, says that he is Auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the city and county of Mobile, state of Alabama; and that the attached notice appeared in the issues of The Mobile Press of July 6, 13, 20 & 27, 1935.

Wm. M. Curran.

Sworn to and subscribed before me this 30th day of July, 1935.

William J. O'Connor,

(Seal) Notary Public, Mobile County, Alabama.

My Commission Expires: May 21, 1937.

Also:

By Mr. McDermott:

H. 846. To provide for the appointment of an additional Assistant Solicitor to be known as the Second Assistant Solicitor of the Thirteenth Judicial Circuit of Alabama (Mobile County), to fix the term of said office, to prescribe the duties and authority of said additional Assistant Solicitor, to be known as the Second Assistant Solicitor and to fix his compensation, and to provide how said compensation shall be paid, and to provide that said salary shall be a preferred claim against the County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present session of the Legislature of Alabama, now in session, a Bill will be introduced and an effort made to have the same enacted into law, which Bill will provide in substance as follows:

A BILL TO BE ENTITLED AN ACT

To provide for the appointment of an additional Assistant Solicitor to be known as the Second Assistant Solicitor of the Thirteenth Judicial Circuit of Alabama (Mobile County), to fix the term of said office, to prescribe the duties and authority of said additional Assistant Solicitor, to be known as the Second Assistant Solicitor and to fix his compensation, and to provide how said compensation shall be paid, and to provide that said salary shall be a preferred claim against the County.

Be it enacted by the Legislature of Alabama:

Section 1. That in the Thirteenth Judicial Circuit of Alabama (Mobile County), immediately upon the approval of this act, there shall be appointed by the circuit solicitor an additional Assistant Solicitor of the said Circuit to be known as the Second Assistant Solicitor to represent the State in cases in the inferior courts, and in preliminary proceedings, applications for bail, and habeas corpus proceedings in all courts, to aid or act for the Circuit Solicitor before the grand jury and in all matters in the Circuit Court

when requested to do so by the Circuit Solicitor and to perform all duties of the Circuit Solicitor whenever so directed by the Circuit Solicitor.

Section 2. That said additional Assistant Solicitor, to be known as the Second Assistant Solicitor, shall be paid out of the general funds of the County Treasury in equal monthly installments, an annual salary of Thirty-six Hundred (\$3600.00) Dollars. The salary of said additional Assistant Solicitor shall be a preferred claim against the County, of the same class as are expenses of the Circuit Court of Mobile County, Alabama.

Section 3. That the term of office of said additional Assistant Solicitor to be known as the Second Assistant Solicitor shall be at the pleasure of the Circuit Solicitor, and the said additional Assistant Solicitor to be known as the Second Assistant Solicitor, may be removed at any time by the Circuit Solicitor at the pleasure of the Circuit Solicitor.

Section 4. That this act shall take effect immediately upon its passage and approval.

PROOF OF PUBLICATION

STATE OF ALABAMA, }
COUNTY OF MOBILE, }
CITY OF MOBILE. }

Personally appeared before me, William J. O'Connor, a Notary Public in and for Mobile County, Alabama, Greg L. Kenny, who being first duly sworn, states that he is assistant secretary of The Mobile Times and that the annexed publication has been regularly made once a week for 4 consecutive weeks, to-wit: On July 6, 13, 20, 27, 1935 respectively, of The Mobile Times, a newspaper printed and published in the City and County of Mobile, and State aforesaid.

Greg L. Kenny,
Assistant Secretary.

Sworn to and Subscribed before me, this 30 day of July, A.D., 1935.

(Seal) Notary Public, Mobile County, Alabama.
William J. O'Connor,
My Commission Expires: May 21, 1937.

Also:

By Mr. Staples:

H. 847. To provide for the appointment of an Assistant Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to fix the term of said office; to prescribe the duties and authority of said Assistant Solicitor and to fix his compensation; and to provide the manner of payment thereof and that such salary shall be a preferred claim against Mobile County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present session of the Legislature of Alabama, now in session, a Bill will be introduced and an effort made to have the same enacted into law, which Bill will provide in substance as follows:

A BILL TO BE ENTITLED AN ACT

To provide for the appointment of an Assistant Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to fix the term of said office; to prescribe the duties and authority of said Assistant Solicitor and to fix his compensation; and to provide the manner of payment thereof and that such salary shall be a preferred claim against Mobile County, Alabama.

Be it enacted by the Legislature of Alabama:

1. That in the Thirteenth Judicial Circuit of the State of Alabama (Mobile County) there shall be appointed by the Circuit Solicitor, an Assistant Solicitor for said Circuit to represent the State of Alabama in all cases in the Inferior Courts and in all preliminary proceedings, applications for bail and habeas corpus proceedings in all Courts, to aid or act for the Circuit Solicitor before the Grand Jury of said Circuit in all matters in the Circuit Court when requested to do so by the Circuit Solicitor and to perform all duties of the Circuit Solicitor in his absence when so directed by the Circuit Solicitor.

2. Said Assistant Solicitor shall be paid out of the general funds of the County Treasury of Mobile County, Alabama, in equal monthly installments an annual salary of Twenty-four Hundred (\$2400.00) Dollars, said salary to be a preferred claim against the general funds of said County of the same class as are expenses of the Circuit Court of Mobile County, Alabama.

3. The term of office of said Assistant Solicitor shall be at the pleasure of the Circuit Solicitor and the said Assistant Solicitor may be removed by the Circuit Solicitor at his pleasure.

4. That this act shall take effect immediately upon its passage and approval.

PROOF OF PUBLICATION

STATE OF ALABAMA, }
COUNTY OF MOBILE. }
CITY OF MOBILE.

Personally appeared before me, William J. O'Connor a Notary Public in and for Mobile County, Alabama, Greg L. Kenny, who being first duly sworn, states that he is assistant secretary of The Mobile Times and that the annexed publication has been regularly made once a week for 4 consecutive weeks, to-wit: On July 6, 13, 20, 27, 1935 respectively, of The Mobile Times, a newspaper printed and published in the City and County of Mobile, and State aforesaid.

Greg L. Kenny,
Assistant Secretary.

Sworn to and subscribed before me, this 30 day of July, A.D., 1935.

William J. O'Connor,

(Seal) Notary Public, Mobile County, Alabama.

My Commission Expires: May 21, 1937.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 587, 601, 733, 764, 765, 786, 725, 844, 817, 845, 846 and 847, to the Committee on Local Legislation.

House Bills 812 and 813, to the Committee on Finance and Taxation.

BILLS ON THIRD READING

The bill:

S. 347. To abolish the office of County Treasurer for St. Clair County, Alabama, and to establish a County Depository in lieu of County Treasurer for St. Clair County, Alabama, to provide for security of County funds in such depository, and to prescribe the duties of such depository; to provide for payment of all County funds to the depository and the method thereof; to provide for the designation of a County Treasurer and his duties and compensation, if the Court of County Commissioners of St. Clair County, Alabama, shall be unable to secure a depository as herein provided.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Tucker
Carlton	Locke	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Dorsey	Parrish	Swift	Weaver
Frazer	Riddle	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 549. To regulate the issuance of warrants of arrest returnable to the Circuit Court or County Court of Escambia County, Alabama; and to provide that all such warrants of arrest issued by any Justice of the Peace or Notary Public having the jurisdiction of a Justice of the Peace in said County must bear the approval of the Circuit Solicitor or his deputy solicitor or the County Solicitor, after an investigation of the facts; and to provide penalties for making an arrest without a warrant bearing such approval.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:**Messrs.:*

Bonner	Kuykendall	St. John	Tucker
Carlton	Locke	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Dorsey	Parrish	Swift	Weaver
Frazer	Riddle	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 649. To abolish the fine and forfeiture fund of Escambia County, Alabama; to provide for the payment into the general fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Escambia County shall, in the future, be paid out of the general fund of said County; to fix the priorities of said claims; to provide for the registration of same; to regulate the payment of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

Was read a third time at length and passed.

Nays, 26; Nays, 0.

*Yeas:**Messrs.:*

Bonner	Kuykendall	St. John	Tucker
Carlton	Locke	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Dorsey	Parrish	Swift	Weaver
Frazer	Riddle	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 734. To make it a misdemeanor to pursue, catch, take or kill, or attempt to pursue, catch, take or kill or hunt any wild animal, bird or game by the use of or while using any head-light or lighted device or light of any kind, in Baldwin County, and to prescribe the punishment therefor.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:**Messrs.:*

Bonner	Dorsey	Kelly	Mooneyham
Carlton	Frazer	Kuykendall	Parrish
Cook	Glover	Locke	Riddle

Rogers (Mobile)
Russell
St. John
Starnes

Stephens
Swift
Taylor
Thomas

Tucker
Walden
Walton

Weaver
Wellborn
Woodall

—26

Nays:—None.

CONSIDERATION OF SPECIAL ORDERS

The Senate proceeded to consider the special orders for to-day, the first of which was the bill:

S. 191. A Bill to be Entitled an Act to Propose an Amendment to the Constitution of Alabama to be Known and Designated As Article XXIV Thereof:

Providing that any and all appropriations made after the introduction of the Bill proposing this amendment for the support, maintenance or development of public education in Alabama shall not be maximum, conditional or proportionate appropriations, but shall be paid in full and shall remain so payable regardless of the expiration of any fiscal year.

Be It Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the first Tuesday next after the expiration of ninety days from and after the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows: Article XXIV. Any and all appropriations made after the introduction of the bill proposing this amendment for the support, maintenance or development of public education in Alabama shall not be maximum, conditional or proportionate appropriations, but shall be paid in full and shall remain so payable regardless of the expiration of any fiscal year.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor which shall be published in one newspaper once a week in every County in the State for four successive weeks next preceding the day appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama: ARTICLE XXIV. Any and all appropriations made after the introduction of the bill proposing this amendment for the support, maintenance or development of public education in Alabama shall not be maximum, condi-

tional or proportionate appropriations, but shall be paid in full and shall remain so payable regardless of the expiration of any fiscal year.

"Yes——"

"No——"

The choice of the elector shall be indicated by a cross-mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast in such election shall be canvassed, tabulated and returns thereof made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at said election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Mr. Mooneyham offered the following substitute for said bill to-wit:

Substitute for S. 191:

A BILL

To be entitled An Act to propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof, to declare public education to be an assential and primary function of government, and to provide that the Legislature shall from time to time, in addition to funds specifically set aside for educational purposes, and in such a manner as in its opinion will encourage local initiative and support, appropriate monies out of the State Treasury for educational purposes which shall be paid on the same basis, or proportionately as, all other appropriations made by the legislature are paid, except appropriations for the payment of principal and interest of the public debt.

Be it enacted by the Legislature of Alabama:

Section 1. That an amendment to the Constitution of the State of Alabama to be known as Article XXIV is hereby proposed, the proposed amendment being as follows:

ARTICLE XXIV. Public education is hereby declared to be an essential and primary function of government in this State. The

legislature shall from time to time, in addition to funds specifically set aside for educational purposes, and in such a manner as in its opinion will encourage local initiative and support, appropriate monies out of the State Treasury for educational purposes which shall be paid on the same basis, or proportionately as, all other appropriations made by the legislature are paid, except appropriations for the payment of principal and interest of the public debt.

Section 2. An election by the qualified electors of the State upon such proposed amendment is hereby ordered by the qualified electors of the State of Alabama, and the day hereby appointed for such election is the first Tuesday next after the expiration of ninety days from and after the final adjournment of the session of the Legislature at which this amendment is proposed. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor which shall be published in one newspaper once a week in every County in the State for four successive weeks next preceding the day appointed for such election.

Section 3. At the election hereby ordered to be held the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz: "Shall the following be adopted as Article XXIV of the Constitution of Alabama?" This shall be followed by setting out said proposed amendment verbatim and in extenso, and thereupon there shall be placed on said ballot the words:

"Yes——"

"No——"

The choice of the elector shall be indicated by a cross-mark made by him or under his direction expressing his desire.

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this Act, the law governing general elections, and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at said election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of

Alabama. The result of such election shall be made known by a proclamation of the Governor.

Which was adopted.

Yeas, 26; Nays, 1.

Yeas:

Messrs.:

Bonner	Locke	Russell	Thomas	
Carlton	Mixon	St. John	Tucker	
Chesnut	Mooneyham	Starnes	Walton	
Cook	McDowell	Stephens	Weaver	
Dorsey	Parrish	Swift	Wellborn	
Frazer	Riddle	Taylor	Woodall	
Kelly	Rogers (Mobile)			—26

Nay: Mr. Goldsmith —1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nay, 1.

Yeas:

Messrs.:

Bonner	Locke	Russell	Thomas	
Carlton	Mixon	St. John	Tucker	
Chesnut	Mooneyham	Starnes	Walton	
Cook	McDowell	Stephens	Weaver	
Dorsey	Parrish	Swift	Wellborn	
Kelly	Riddle	Taylor	Woodall	

—24

Nay: Mr. Goldsmith —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Lee (Monroe):

H. 191. To better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purpose of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of

the financial status of counties; to provide that all temporary loans procured for enabling counties to meet their current obligations shall mature during the fiscal year in which they are made and shall be payable out of income for such year; to provide that this Act shall be effective on and after the first day of October, 1935; and to repeal all laws, except local laws, in conflict with the Act. Provided, the Act shall not apply to Counties having more than 95,000 and less than 300,000 population.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 191, to the Committee on Finance and Taxation.

ORDER TO PRINT

On motion of Mr. Walton, 500 copies of the bill, H. 191, the title of which is set out in the foregoing Message from the House, were ordered printed for the use of the Senate.

JOINT SESSION

The hour of 12 M. having arrived, pursuant to Joint Resolution heretofore adopted, the Legislature of Alabama met in the Hall of House of Representatives in Joint Session to hear any suggestions or statements from His Excellency, the Governor.

The Joint Session was called to order by Lieutenant-Governor Knight, president of the Senate, who directed the Secretary to call the roll of the Senate, when the following members answered to their names:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Tucker
Carlton	Locke	Russell	Walden
Chesnut	Mixon	St. John	Walton
Cook	Mooneyham	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Glover	Parrish	Swift	Woodall
Kelly	Riddle	Thomas	

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title of which is set out in the foregoing Message from the House, to call the roll of the House of Representatives, when the following members answered to their names:

Messrs.:

Mr. Speaker	Almon	Austin	Blann
Adams	Arnold	Bateman	Braswell

Bridges	Hall	Miller	Sanford
Britton	Hamner	Moore	Shaver
Buffington	Hanks	McDermott	Shipman
Bulger	Hare	McGowin	Sightler
Byars	Harrison	McPhaul	Sparks (Barbour)
Calhoun	Heflin	Norman (Bullock)	Sparks (Walker)
Carter	Hendley	Norman (Lowndes)	Spence
Castleberry	Hill	O'Neal	Staples
Chichester	Hodges	Owen (Etowah)	Steele
Coleman	Hollingsworth	Owens (Madison)	Street
Connor	Hollis	Parish (Henry)	Taylor
Cook	Johnston	Parish (Pike)	Terry
Cox	Jones	Petrey	Tidmore
Davis	Kelly	Poole	Todd
Delony	Kirby	Posey (Walker)	Tolbert
Denson	Langdon	Propst	Tompkins
De Vane	Lee (Bullock)	Quarles	Toomer
Dominick	Lee (Monroe)	Reeder	Waldrep
Doster	Livingston	Reid	Wallace
Douglass	Long	Reynolds	Welch
Glover	Lusk	Robertson (Cullman)	Whigham
Goodwyn	Matthews	Robinson (Lowndes)	Williams
Goolsby	Miles	Sanderson	Wright
Haley			

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The President of the Senate then announced that a quorum of the Legislature of Alabama was present and that the purpose of the Joint Session was to hear His Excellency, the Governor.

Thereupon the Governor was escorted to the chair and delivered his message in the words and figures following to-wit:
Gentlemen of the Legislature:

I thank you for this opportunity that you give me to come before you to draw to your attention matters that seem of major concern to our State for such consideration and action as to you seems best.

I am devoutly grateful for the spirit of cooperation and good will that holds steadfast between our departments, and I pledge to you that, so far as in me lies, this spirit will live and grow to the end of our journey.

In this composite mind of us all rest the fate of Alabama. The fate of the absent millions whose faith in us put their fate in our keeping. These absent, without watching or prompting, trust us to see and to do the things needful for them. Let us not fail them, but do for them those things that need to be done.

The general condition of our State is much improved, and is growing better steadily, surely, and I believe permanently. The New Deal is a go and is well under way throughout the State. Let us realize our obligation to our President for this program, backed as he has caused it to be by the might of America. I shudder to think of the despair if not chaos that would have been our lot but for his leadership. Alabama is getting her full part in this new deal—let her “Keep on keeping on,” play the game and do her full part.

HOMESTEAD EXEMPTIONS AND FUNCTIONING GOVERNMENTS

Our greatest privilege and foremost duty is to give to our people homestead exemptions, together with functioning governments, State, County and

City. Home is the basis of our social being. Let us provide that every worthy Alabama family may soon have a home—not just a place to rest or to “roost” but a home “to have and to hold” and to own—in which to live and die—a home that shall not be sold for any taxes or government charges.

Together with homestead exemptions we must give to our people functioning governments. These two should be linked together which makes it necessary for us to find the means—the money—with which these things can be done.

The planks upon this subject, in the platform upon which I was nominated for Governor are in the following words:

“I favor the exemption from taxation of as much as two thousand Dollars on homesteads.

The Income Tax is in our Constitution and Laws by the will of the people. I will enforce it and oppose its repeal.

I will oppose the Sales Tax.

“Experience and familiarity with our State’s business on the one hand, and knowledge of the financial condition of our people on the other hand, are the efficient instruments whereby, when I am Governor, I will be able to balance the budget, pay the State’s debts, run our schools, and operate an efficient Government by economy without further taxation.

Should conditions make this impossible, I still promise to “pay the debts, run the schools and provide an efficient Government,” and do so with the least possible burden on our people.”

The Administration is exerting its every effort to pay the debts, to run the schools and provide an efficient Government without a sales tax. The State’s tax agencies are functioning more effectively than I had hoped, but I now expect a decrease instead of an increase in the income of the State, counties and cities from ad valorem taxes, and it seems that we must face the fundamental promise in the last paragraph of that plank, wherein it is stated that if conditions make it impossible to operate without additional taxes, “I still promise to pay the debts, run the schools and provide an efficient Government, and do so with the least possible burden on our people.”

Because of these committals on my part and of similar committals on the part of many of you, I can not approve the levying of a Sales Tax unless the people themselves assent thereto.

I know that our human agencies must function efficiently. That they may do so, I believe it necessary that those agencies that are supported from the General Fund receive the same appropriations now on the books, the same that they are receiving this year. We know that the public schools must receive the amount submitted by the Educational Department for a minimum program of 7 months for common schools and 9 months for high schools. All of these will require much more money than is now in sight. Just how much more we do not now know and can not know with anything like definiteness until ad valorem assessments are known and until the effect of the new Revenue Bill is known. We can know all of this by the end of this calendar year not long before that time.

Therefore, I submit for your consideration the following program:

That you make the appropriations indicated (the Budget Act will not permit a deficit). That Homestead Exemptions and a Sales Tax be deferred until a special session that I will call in early January next, at which special session a Sales Tax Act be passed effective if and when the people shall have ratified a Homestead Exemption Amendment to our Constitution, which amendment you may have submitted in that January session to be voted upon about the last of April. We will in January have all facts

before us, and will have ample time to put the amendment into effect before the first of October, the beginning of the next tax year.

I further recommend for your consideration that before this regular session ends you pass a reapportionment bill, as provided in the Constitution. It is my judgment that any extreme or radical bill is foredoomed to defeat, therefore, I commend moderation.

I further recommend for your consideration that before this regular session ends you submit a Poll Tax Amendment to our Constitution that will relieve those who have become registered voters more than three years before the submission of the Amendment upon payment of the three years poll tax. This will relieve those of limited means who have gotten so far behind as to make it impracticable for them to restore themselves to the voting list and by limiting the operation of the Amendment to those that have heretofore registered it will close the door against any possible up-set of our franchise provisions.

I further recommend that you submit amendments providing for referendum on laws that have been enacted less than ninety days. This limitation will give ample time for the people to protect themselves and will at the same time prevent the resurrection of old issues. I suggest a majority petition be required.

I also recommend that an Amendment be submitted providing for the recall of all elective officers, including Probate Judges, save Judicial officers, upon a similar petition.

All of the above mentioned proposed Constitutional Amendments have heretofore been introduced and are now before you.

To the end that we adjust ourselves to the new Social Security Act just passed by Congress, bills have been introduced creating a Department of Public Welfare and in connection therewith bills for the benefit of the crippled children and for the blind.

A bill will be introduced today creating a Department of Labor, and in connection therewith bills on unemployment insurance and old age pensions.

I further commend to your favorable consideration the bill conforming to the Wagner-Peyser Act of Congress and the resolution excepting the agricultural bills which have heretofore been accepted by the Governor insofar as in his power lay.

I further urge the passing of Workmens Compensation Bill, now on the calendar, which will supplant our long antiquated law upon this matter.

I further commend to your favorable consideration the commissary bill which will be offered today, and I urge the passage of the bill before you providing a driver's license that will enable us to give more protection to life and property on our highways.

I further commend to your favorable consideration the ratification of the Child Labor Amendment to the Federal Constitution.

I thank you.
Bibb Graves,
Governor.

August 13, 1935.

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant-Governor Knight, President of the Senate.

Upon a call of the roll of the Senate, the following members answered to their names:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Frazer	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Goldsmith	Riddle		

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MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Joint Resolution:

By Mr. Simpson:

S. J. R. 82. Relative to appointment of Joint Committee to study the Social Security Act and make recommendations to the Legislature.

And the speaker of the House has appointed as committee on part of the House Messrs. Robertson, (Cullman), McGowin, Hodges, Owen (Etowah) and McDermott and returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Woodall, the Senate concurred in the following amendment by the House to S. J. R. 82, set out in the foregoing Message from the House, to-wit:

Strike out the word "Two" in line two of said Resolution and insert in lieu thereof the word "Three"; and strike out the word "Three" in line three of said Resolution and insert in lieu thereof the word "Five."

Thereupon the President and Presiding Officer of the Senate appointed as a committee on part of the Senate Messrs. Stephens, Locke and Simpson.

RESOLUTION

The Rules Committee reported the following Joint Resolution:

S. J. R. 94. Resolved by the Senate the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Thursday, August 15, 1935, at ten A. M.

And on motion of Mr. McDowell, said report was concurred in and the Resolution adopted.

BILLS ON THIRD READING RESUMED

The bill:

H. 197. To amend Section 3 of an Act entitled An Act "allowing boxing, sparring and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission," approved July 1, 1927, as amended by an Act entitled An Act to amend Section 3 of an Act entitled An Act "allowing boxing, sparring and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission," approved April 16, 1931.

Was taken up.

The Standing Committee on Constituion and Constitutional Revision and Amendments reported the following substitute for said bill to-wit:

Substitute for H. 197, by Mr. Sparks of Barbour:

A BILL

To be entitled An Act to amend Section 3 of an Act entitled an Act allowing boxing, sparring, and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission, "approved July 1, 1927, as amended by an Act entitled An Act to amend Section 3 of an Act entitled An Act "Allowing boxing, sparring and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission," approved April 16, 1931.

Be it enacted by the Legislature of Alabama, that Section 3 of An Act entitled An Act "Allowing boxing, sparring and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission," be amended so as to read as follows:

Section 3. The Commission shall adopt a seal and shall have and hereby is vested with the sole direction, management, control and jurisdiction over all boxing, sparring and wrestling matches or exhibitions to be conducted, held or given within the State of Alabama, and no such boxing, sparring or wrestling match or exhibition shall be conducted, held or given within the State except in accordance with the provisions of this Act. The Commission shall have full power and authority and it shall be its duty: (a) to make and publish boxing rules and regulations governing the conduct of boxing, sparring and wrestling matches and exhibitions, the time and place thereof, and the prices charged for admission thereto; (b) to accept application for and in its discretion order a license or permit issued to any patriotic organization chartered by authority of a special Act of the Congress of the United States, or local unit thereof, desiring to promote or conduct a boxing, sparring or wrestling match or exhibition, and to revoke such license or permit when in their discretion they deem it just and proper, provided, however, that no license or permit shall be issued to any organization, or local unit thereof, which has not been in existence and held meetings at regular intervals for one year immediately preceding the granting of the permit; provided, further, that no local unit of a patriotic organization entitled to apply for a license or permit under the provisions of this Act shall be denied the right to promote or conduct a boxing, sparring or wrestling match or exhibition except for cause specified in writing; (c) to collect through the Recorder of Permits and Licenses a fee of one dollar for every permit or license to hold a boxing, sparring or wrestling match or exhibition, and ten per centum of the gross receipts of every boxing, sparring or wrestling match or exhibition, and a reasonable fee, to be fixed by the Commission, not to exceed \$10.00 for each annual license or permit issued to a boxer, wrestler, matchmaker, promoter, or manager, and \$1.00 for each annual license or permit issued to referee, judge, ticket seller, announcer, trainer, second, medical examiner, ticket taker, director or timekeeper; (d) to revoke any license or permit when, in its sound discretion, the public welfare requires it; provided, however, that nothing in this Act shall be construed as permitting, authorizing, or enjoining the Commission to collect any license, permit, fee, or tax for any amateur boxing, sparring, or wrestling matches or exhibitions held under the auspices of educational institutions when the proceeds of affairs of this nature are to be used to foster, aid or abet programs of education in the State of Alabama. But no exemptions from license, permit, fee, tax or charges will be granted to any person, group of persons, or organization when the proceeds or any part thereof of such amateur boxing, sparring, or wrestling matches or exhibitions are for personal or private gain. Reports of all such matches shall be

made to the Boxing Commission within ten days thereafter, and upon such form and with such information as may be required by the Commission.

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Rogers (Mobile)	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	St. John	Walden
Cook	McDowell	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Kuykendall			

—25

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Glover	Riddle	Swift	Woodall

—24

Nays:—None.

RECESS

At 12:50 P. M., on motion of Mr. Thomas, the Senate took a recess until three o'clock this afternoon.

THIRTY-EIGHTH DAY—AFTERNOON SESSION

Tuesday, August 13th, 1935

The Senate re-assembled at 3 P. M., Lieutenant - Governor Knight, presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Chesnut	Frazer	Kelly
Browder	Cook	Glover	Kuykendall
Carlton	Dorsey	Goldsmith	Locke

Mixon	Rogers (Mobile)	Taylor	Walton
Mooneyham	Russell	Thomas	Weaver
McDowell	St. John	Tucker	Wellborn
Parrish	Starnes	Walden	Woodall
Riddle	Swift		

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Russell:

S. 372. To amend Schedule 7, of Section 348, Article 13, Chapter 1, of an Act to provide for the General Revenue of the State of Alabama, Approved July 10th, 1935.

Committee on Finance and Taxation.

By Mr. Starnes:

S. 373. To permit the playing of tennis, golf, baseball and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in cities of the State which now have or may hereafter have a population of not less than twenty-four thousand inhabitants nor more than sixty thousand inhabitants, according to the last or any subsequent Federal Census and within the police jurisdiction thereof; to provide that the governing body of any such city may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city, and to provide for holding of other and subsequent elections on such acts and for cost therefor.

Committee on Local Legislation.

By Mr. Riddle:

S. 374. Authorizing the State and Counties, cities, incorporated towns, municipal corporations, authorities, commissions, boards, districts, subdivisions, agencies, and instrumentalities and departments, boards and agencies of the State to acquire property by the exercise of the power of eminent domain for public works projects financed in whole or in part by such public bodies or by the United States of America; authorizing the exercise of such power of eminent domain and the conveyance of property acquired thereby for the purpose of aiding public works projects being undertaken by the United States of America; providing for the exercise of such power of eminent domain and for the taking of property for all such purposes and for the procedure thereof; providing for the payment and recovery of awards made for property taken, injured or destroyed; and for other purposes.

Committee on Municipalities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Welch:

H. 100. To amend Sections 3886, 3887, 3888 and 3889 of Chapter 122 of the Code of Alabama of 1923.

Also:

By Mr. Welch:

H. 179. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

House Bills 100 and 179, to the Committee on Judiciary.

MOTION AND ORDER TO PRINT

Mr. Tucker made the following motion in writing:

"I move that 500 copies of the Report of the Joint Recess Committee on Ad Valorem Taxation and Homestead Exemption be ordered printed by the Senate, and that Senator Swift, who was a member of this Committee, be asked to instruct the printer as to how the maps and charts in this Report should be reproduced."

Which motion was adopted and the Secretary was instructed to have 500 copies of said report printed for use of the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Walker:

H. J. R. 250. WHEREAS, There exists a vancy of the United States Circuit Court of Appeals for the Fifth Judicial District, by reason of the lamented death of the Honorable Judge Nathan P. Bryan, of Florida, and the Honorable Leon McCord of Montgomery, Alabama, has the endorsement of His Excellency, Bibb Graves, Governor of Alabama, United States Senators Hugo L. Black and John H. Bankhead, of Alabama and all the members of Congress from Alabama; and,

WHEREAS, Judge Leon McCord is a veteran jurist of Alabama and is, by experience, broadness of intellect and natural endowment, peculiarly and exceptionally qualified for the position to be filled and will fulfill the duties thereof with distinction to himself, and the Court, creditable service to the people, and with honor to this State and the Nation;

NOW THEREFORE, BE IT RESOLVED by the Legislature of Alabama that we heartily endorse the Honorable Judge Leon McCord for this high judicial position and urge his appointment by His Excellency, Franklin D. Roosevelt, President of the United States; and,

BE IT FURTHER RESOLVED by the Legislature of Alabama that copies of this resolution be sent to the President of the United States, to the Attorney General of the United States, to United States Senators and members of the House from Alabama.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 250, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

CONSIDERATION OF SPECIAL ORDER

The hour of 3 o'clock having arrived, the Senate proceeded to consider the Special Order for that hour, which was the bill:

S. 182. To regulate the practices of professional engineering including land surveying; creating a State Board of Registration for Professional Engineers and Land Surveyors; defining its powers and duties; also imposing certain duties upon the State and political subdivisions thereof in connection with public work; providing penalties.

Mr. McDowell offered the following amendment to said bill to-wit:

Amend Section 13 of S. B. No. 182 by striking from line 16 of said section 13 the figures and words: \$15.00 and insert in lieu thereof the words and figures Five Dollars (\$5.00).

Which was adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Dorsey	Kuykendall	Parrish
Browder	Frazer	Locke	Rogers (Mobile)
Carlton	Glover	Mixon	Russell
Chesnut	Goldsmith	Mooneyham	St. John
Cook	Kelly	McDowell	Starnes

Stephens	Thomas	Walton	Wellborn
Swift	Walden	Weaver	Woodall
Taylor			

—29

Nays:—None.

Mr. McDowell also offered the following amendment to said bill to-wit:

Amend Section 18 Senate Bill No. 182 by striking from line 4 of said Section 18 the figures Fifteen Dollars, and inserting in lieu thereof the figures Five Dollars.

Which was adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Kuykendall	St. John	Walden
Chesnut	Locke	Starnes	Walton
Cook	Mixon	Stephens	Weaver
Dorsey	McDowell	Swift	Wellborn
Frazer	Parrish	Taylor	Woodall
Glover			

—29

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 5.

Yeas:

Messrs.:

Browder	Goldsmith	Russell	Tucker
Carlton	Kelly	St. John	Walden
Chesnut	Kuykendall	Stephens	Walton
Cook	Locke	Taylor	Weaver
Dorsey	Rogers (Mobile)	Thamos	Woodall
Glover			

—21

Nays:

Messrs.:

Bonner	Mixon	Starnes	Wellborn
Frazer			

—5

BILLS ON THIRD READING

The bill:

H. 577. To permit the playing of tennis, golf, baseball and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in cities and towns of the State which now have or may hereafter have a population of not less than One Thousand inhabitants nor more than Sixty Thousand inhabitants ac-

cording to the last or any subsequent Federal Census and within the police jurisdiction thereof; to provide that the governing body of any such city or town may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city or town and to provide for holding of other and subsequent elections on such acts and for cost thereof.

Was taken up.

Mr. Bonner offered the following amendment to said bill to-wit:

Amend H. B. No. 577 by striking there from the following described words wherever they appear in said bill, namely: "whether admission is charged or not," and by substituting for said stricken words, the following words, namely: "where no admission fee is charged or received either directly or indirectly."

Mr. Starnes moved that said amendment be laid on the table, which motion was lost.

Yeas, 11; Nays, 19.

Yeas:

Messrs.:

Carlton	Kelly	Russell	Tucker	
Dorsey	Mooneyham	Starnes	Wellborn	
Frazer	Rogers (Mobile)	Swift		—11

Nays:

Messrs.:

Bonner	Kuykendall	Riddle	Walden	
Chesnut	Locke	St. John	Walton	
Cook	Mixon	Stephens	Weaver	
Glover	McDowell	Taylor	Woodall	
Goldsmith	Parrish	Thomas		—19

And the amendment offered by Mr. Bonner was then adopted.

Yeas, 22; Nays, 9.

Yeas:

Messrs.:

Bonner	Goldsmith	Riddle	Tucker	
Browder	Kuykendall	St. John	Walden	
Carlton	Locke	Stephens	Walton	
Chesnut	Mixon	Taylor	Weaver	
Cook	McDowell	Thomas	Woodall	
Glover	Parrish			—22

Nays:

Messrs.:

Dorsey	Mooneyham	Russell	Swift	
Frazer	Rogers (Mobile)	Starnes	Wellborn	
Kelly				—9

And said bill, as thus amended, was read a third time at length and lost.

Yeas, 9; Nays, 21.

Yeas:

Messrs.:

Dorsey	Rogers (Mobile)	Starnes	Tucker	
Frazer	Russell	Swift	Wellborn	
Mooneyham				—9

Nays:

Messrs.:

Bonner	Kelly	Parrish	Thomas	
Browder	Kuykendall	Riddle	Walden	
Chesnut	Locke	St. John	Walton	
Cook	Mixon	Stephens	Weaver	
Glover	McDowell	Taylor	Woodall	
Goldsmith				—21

Mr. Bonner moved that the vote by which said bill was lost be re-considered, which motion was lost and the Senate refused to reconsider said vote.

Yeas, 9; Nays, 21.

Yeas:

Messrs.:

Dorsey	Rogers (Mobile)	Starnes	Tucker	
Frazer	Russell	Swift	Wellborn	
Mooneyham				—9

Nays:

Messrs.:

Bonner	Kelly	Parrish	Thomas	
Browder	Kuykendall	Riddle	Walden	
Chesnut	Locke	St. John	Walton	
Cook	Mixon	Stephens	Weaver	
Glover	McDowell	Taylor	Woodall	
Goldsmith				—21

The bill:

S. 249. To amend Section 6550 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	McDowell	Stephens	
Browder	Goldsmith	Parrish	Swift	
Carlton	Kelly	Riddle	Taylor	
Chesnut	Kuykendall	Rogers (Mobile)	Thomas	
Cook	Locke	Russell	Walden	
Dorsey	Mixon	St. John	Wellborn	
Frazer	Mooneyham	Starnes	Woodall	
				—28

Nays:—None.

The bill:

S. 250. To amend Section 6551 of the Code of Alabama of 1923.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Taylor
Browder	Kuykendall	Riddle	Thomas
Carlton	Locke	Rogers (Mobile)	Tucker
Chesnut	Mixon	Russell	Walden
Dorsey	Mooneyham	St. John	Wellborn
Glover	McDowell	Stephens	Woodall
Goldsmith			

—25

Nays:—None.

The bill:

S. 305. To authorize the guardians of the estates of minors, persons non compos mentis, or any other persons to make mineral leases upon the real estate belonging to their wards; to define "Minerals" as used in this Act; to define "Real Estate" and "Property" as used in this Act, and to repeal sections 8155, 8156, 8157, and 8158 of the 1923 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 1.

Yeas:

Messrs.:

Bonner	Goldsmith	Riddle	Swift
Browder	Kelly	Rogers (Mobile)	Taylor
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Dorsey	Mixon	Starnes	Weaver
Frazer	Mooneyham	Stephens	Wellborn
Glover	McDowell		

—26

Nay: Mr. Parrish

—1

The bill:

H. 210. To define the obligation of newspaper employees when called upon to testify before any court, tribunal, commission or inquest.

Was read a third time at length and passed.

Yeas, 26; Nays, 3.

Yeas:

Messrs.:

Bonner	Chesnut	Frazer	Kuykendall
Browder	Cook	Glover	Locke
Carlton	Dorsey	Kelly	Mixon

Mooneyham	Russell	Swift	Weaver	
McDowell	St. John	Tucker	Wellborn	
Riddle	Starnes	Walden	Woodall	
Rogers (Mobile)	Stephens			—26

Messrs.: Goldsmith, Parrish, Taylor. —3

The bill:

H. 433. To amend Section 6105 of the Code of Alabama of 1923, by adding thereto the provision that the trial court shall retain jurisdiction of the cause to hear and determine motion for a new trial and to provide that any appeal shall raise the question of the correctness of the Court's ruling on the motion for a new trial.

Was read a third time at length and passed.

Yeas, 27; Nays, 1.

Yeas:

Messrs.:				
Bonner	Kuykendall	Rogers (Mobile)	Thomas	
Browder	Locke	Russell	Tucker	
Chesnut	Mixon	St. John	Walden	
Cook	Mooneyham	Starnes	Weaver	
Dorsey	McDowell	Stephens	Wellborn	
Glover	Parrish	Swift	Woodall	
Kelly	Riddle	Taylor		—27

Nay: Mr. Goldsmith —1

The bill:

S. 351. To establish a budget system and provide for the preparation of a budget for each county and city school system in the state; to provide that the budgeted income of each such board of education; to provide that the actual payments shall not exceed the budgeted payments except on approval of the county or city board of education and of the State Superintendent of Education; to provide that the actual payments shall not exceed the actual income plus balances except in the issuance of warrants for capital outlay purposes; to authorize county and city boards of education to borrow funds against the current year's revenue when necessary to pay their current expenses; to regulate and restrict borrowing for capital outlay purposes, and to authorize and regulate the issuance of warrants or notes to pay debts incurred prior to July 1, 1935.

Was taken up.

Mr. St. John offered the following amendment to said bill to-wit:

To amend S. Bill 351 by striking out section 12 and inserting in lieu thereof the following:

Section 12. **MARKETING WARRANTS.** Before any warrants issued by any county or city board of education, in accordance with the provisions of this act, shall be sold at least five ag-

encies dealing in warrants shall receive notification of the proposed issue and sale and shall be given an opportunity to make competitive bids for said issue, and said warrants shall be sold to the highest responsible bidder offering the lowest rate of interest. In the marketing of said warrants said board shall be entitled to have such assistance as can be rendered by the Governor, the State Treasurer, the State Comptroller, the State Superintendent of Education, or any other state agency.

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Taylor
Browder	Goldsmith	Riddle	Thomas
Carlton	Kelly	Rogers (Mobile)	Tucker
Chesnut	Kuykendall	Russell	Walden
Cook	Locke	St. John	Weaver
Dorsey	Mixon	Stephens	Wellborn
Frazer	Mooneyham	Swift	Woodall

—28

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Frazer	McDowell	Swift	Wellborn
Glover	Parrish		

—30

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Sparks (Barbour):

H. 197. To amend Section 3 of an Act entitled an Act allowing boxing, sparring, and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compen-

sation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission, "approved July 1, 1927, as amended by an Act entitled An Act to amend Section 3 of an Act entitled An Act "Allowing boxing, sparring and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission," approved April 16, 1931.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Rules Committee:

S. J. R. 94. Relative to the two Houses adjourning today to meet again on Thursday, August 15, 1935 at ten A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

RESOLUTION

Mr. Swift offered the following Joint Resolution:

S. J. R. 95. RESOLVED BY THE SENATE, the House concurring, that the University of Alabama through its Research Department of the School of Commerce be requested, so far as its funds will permit, to make a survey and prepare a report of the effect of a \$2,000.00 gross (\$1,200.00 Net) Homestead Exemption on the revenues of the State, the Counties and the several Municipalities of Alabama, together with an estimate of the revenue that will be produced for each one per cent (1%) of a Sales Tax.

Said Report to be forwarded to this Legislature, should it be re-convened in Special Session subsequent to adjournment of this regular session, or to the next Legislature, should there be no Special Session of this Legislature.

And on motion of Mr. Swift, the Rules were suspended and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. McDermott:

H. 629. To amend an Act entitled "An Act to Vest the Circuit Court, or Court of Like Jurisdiction, With Power to Authorize A Married Person Whose Spouse Is Insane, To Dispose Of Any Or All Interests Owned In Real Estate As If Single," approved April 19, 1933, so as to read as follows: "An Act To Vest The Circuit Court, Or Court Of Like Jurisdiction, With Power To Authorize A Married Person Whose Spouse Is Insane, To Sell, Convey, Mortgage, Or Otherwise Dispose Of Any Or All Interests Owned In Real Estate, Not Including A Homestead, As If Single."

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 629, to the Committee on Revision of Laws.

BILLS ON THIRD READING RESUMED

The bill:

S. 354. To amend Schedule 158 of section 348 of article 13 of chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10th, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Tucker
Browder	Goldsmith	Rogers (Mobile)	Walden
Carlton	Kuykendall	Russell	Walton
Chesnut	Mixon	St. John	Weaver
Cook	Mooneyham	Stephens	Wellborn
Dorsey	McDowell	Taylor	Woodall
Frazer	Parrish	Thomas	

—27

Nays:—None.

The bill:

S. 257. Providing for and requiring each and every person, firm, association, partnership, agency, lessee, trustee or corporation engaged in the business of operating a motor vehicle for hire for the transportation of persons within the limits of a city or incorporated town, or within the police jurisdiction thereof, or between two cities or incorporated towns whose city limits adjoin, or with the police jurisdiction thereof, to post and file with the City Clerk of the city or incorporated town in which such business

is carried on an indemnity bond or indemnity insurance policy for the protection of persons using such motor vehicles, and for the protection of the general public, against injury and damage to person and property proximately caused by the negligence of such person, firm, association, partnership, agency, lessee, trustee or corporation, or the servant, agent or employee of any of them, in the operation of such motor vehicle; making it unlawful to operate such motor vehicle without first filing such bond or policy and without the same being first approved by the City Clerk of the city or incorporated town in which such business is carried on, and without the same being maintained at all times; and to prescribe punishment and penalties for the violation of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 16; Nays, 10.

Yeas:

Messrs.:

Bonner	Cook	Mooneyham	St. John
Browder	Dorsey	Riddle	Stephens
Carlton	Glover	Rogers (Mobile)	Walton
Chesnut	Goldsmith	Russell	Woodall

—16

Nays:

Messrs.:

Frazer	Parrish	Thomas	Weaver
Kuykendall	Starnes	Walden	Wellborn
Mixon	Taylor		

—10

The bill:

S. 341. To amend Section 540 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Tucker
Browder	Kuykendall	Russell	Walden
Carlton	Mixon	Starnes	Walton
Chesnut	Mooneyham	Stephens	Weaver
Cook	McDowell	Taylor	Wellborn
Dorsey	Parrish	Thomas	Woodall

—24

Nays:—None.

The bill:

S. 326. To declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such

toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Russell	Tucker
Browder	Kelly	Starnes	Walden
Carlton	Kuykendall	Stephens	Walton
Chesnut	Mixon	Swift	Weaver
Cook	Mooneyham	Taylor	Wellborn
Dorsey	Parrish	Thomas	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

S. 350. To amend Section 4768 of the Code of Alabama of 1923. Was taken up.

Mr. Rogers of Mobile offered the following substitute for said bill to-wit:

Substitute for Senate Bill Number 350, the following:

A BILL

To be entitled An Act to amend Section 4768 of the Code of Alabama of 1923.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 4768 of the Code of Alabama be amended so as to read as follows: "4768. Allowance for officers attending and prosecuting condemnation proceedings; how taxed and paid. There shall be allowed the officer making the seizure under a search warrant the sum of three dollars, and also the sum of two dollars additional for every day that such officer shall necessarily be employed in attending court for the purpose of causing liquors seized to be condemned, and the sum of ten cents per mile for each mile he shall travel in executing the writ, together with such reasonable sum as the court may deem just for necessary expenses incurred in transporting and providing storage for liquors and vessels seized; provided, however, that where a warrant is issued to any peace officer acting under the laws of the State of Alabama to search a designated place for prohibited liquors and bev-

erages, and such officer executes such warrant and seizes such liquors or beverages, but fails to arrest any person or persons for having such prohibited liquors or beverages in his or their possession, then no fees, mileage or allowances shall be paid to any one for any service under this article; provided, further, that where a warrant is issued to any peace officer acting under the laws of the State of Alabama to search a designated place for prohibited liquors or beverages, (and such officer executes said warrant, seizes such prohibited liquors or beverages), arrests one or more persons alleged to have had the possession of such liquors or beverages at the time of said seizure, and said person is acquitted of the charge or charges arising out of said seizure by the court having jurisdiction of the cause, then no fees, mileage or allowances shall be paid to any one for any service under this article; if, however, the arrest of one or more persons alleged to have had the possession of such liquors or beverages be made and the defendant or defendants finally convicted, the costs or fees herein above set out shall be taxed in the bill of costs against such defendant or defendants, and if not collected from such defendant or defendants, so convicted, shall be taxed and paid as in criminal prosecutions in which the State fails, upon the Court or Judge or Justice making an order to that effect.

Section 2. This law shall become effective immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 24; Nays, 2.

Yeas:

Messrs.:

Browder	Goldsmith	Rogers (Mobile)	Tucker
Carlton	Kelly	Russell	Walden
Cook	Kuykendall	Starnes	Walton
Dorsey	Mixon	Swift	Weaver
Frazer	Mooneyham	Taylor	Wellborn
Glover	Parrish	Thomas	Woodall

—24

Messrs: Riddle, Stephens.

—2

PAIRS ANNOUNCED

Mr. Bonner announced that he and Mr. Rogers of Sumter were paired on this vote; that Mr. Rogers of Sumter, if present, would vote "aye" and he, Mr. Bonner, would vote "no."

Mr. Chesnut announced that he and Mr. McDowell were paired on this vote; that Mr. McDowell, if present, would vote "aye" and he, Mr. Chesnut, would note "no."

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 5.

Yeas:

Messrs.:

Browder	Goldsmith	Starnes	Walden
Carlton	Kelly	Swift	Walton
Cook	Kuykendall	Taylor	Weaver
Dorsey	Mooneyham	Thomas	Wellborn
Frazer	Rogers (Mobile)	Tucker	Woodall
Glover	Russell		

—22

Nays:

Messrs.:

Mixon	Riddle	St. John	Stephens
Parrish			

—5

PAIRS ANNOUNCED

Mr. Bonner announced that he and Mr. Rogers of Sumter were paired on this vote; that Mr. Rogers of Sumter, if present, would vote "aye" and he, Mr. Bonner, would vote "no."

Mr. Chesnut announced that he and Mr. McDowall were paired on this vote, that Mr. McDowell, if present, would vote "aye" and he, Mr. Chesnut, would vote "no."

Mr. Rogers of Mobile moved that the vote by which said bill was passed be re-considered, which motion was lost and the Senate refused to re-consider said vote.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report to-wit:

H. J. R. 250. Endorsing Honorable Leon McCord for Judge of the Circuit Court of Appeals for the Fifth Judicial District.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Constitutional Amendment:

By Mr. Davis:

H. 408. To propose an amendment to Section 229 of the Constitution of Alabama, to be known and designated as Article _____ thereof, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 229 of the Constitution of the State of Alabama to be known and designated as Article ——— thereof is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a Franchise Tax by corporations organized under the laws of this State which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations, or Federal Savings and Loan Associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended, or building and loan associations organized under or authorized to do business by the laws of Alabama, shall not be required to pay such a tax on their withdrawable or repurchasable share. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, viz: "Shall the following be adopted as an amendment to Section 229 of the Constitution of Alabama? 'Section 229. The Legislature shall pass no special Act conferring to corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a franchise tax by corporations organ-

ized under the Laws of this State, which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations, or Federal Savings and Loan Associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended or building and loan associations organized under or authorized to do business by the laws of Alabama, shall not be required to pay such a tax on their withdrawable or repurchasable share. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified.'"

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and return thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate Standing Committee as follows:

H. 408., to the Committee on Constitution and Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Almon:

H. 565. To amend Section 2125 of the Code of Alabama of 1923.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 565, to the Committee on Finance and Taxation.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the thirty-eighth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut, Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the thirty-eighth Legislative day approved by the Senate.

ADJOURNMENT

At 5 P. M., on motion of Mr. Dorsey and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Thursday, August 15th, 1935, at ten A. M.

THIRTY-NINTH DAY

Thursday, August 15th, 1935.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Senator Webb Chesnut of Cherokee County.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut

Cook
Dorsey
Goldsmith
Glover

Kelly
Kuykendall
Locke
Mixon

Mooneyham
McDowell
Parrish
Riddle

Rogers (Mobile)	Starnes	Thomas	Weaver
Russell	Stephens	Tucker	Wellborn
St. John	Swift	Walden	Woodall
Simpson	Taylor	Walton	

—31

JOURNAL

On motion of Mr. Kelly, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Weaver:

S. 375. To propose an amendment to the Constitution of the State of Alabama of 1901 authorizing and directing the legislature to enact the necessary laws recalling all State, County and Municipal officers, including the Probate Judge but not to include the judiciary of the State of Alabama, to be designated as "Article XXVI", and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for State and County officers in November 1936.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Wellborn:

S. 376. To permit the playing of tennis, golf, baseball and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in cities of the State which now have or may hereafter have a population of not less than Eighteen Thousand inhabitants nor more than Forty Thousand inhabitants, according to the last or any subsequent Federal Census and within the police jurisdiction thereof; to provide that the governing body of any such city may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city, and to provide for holding of other and subsequent elections on such acts and for cost thereof.

Committee on Local Legislation.

By Mr. Cook:

S. 377. To prescribe and regulate the salary and compensation of the members of the Courts of County Commissioners and/or Boards of Revenue and/or other Governing Bodies in all counties of Alabama, which now have or may hereafter have a popula-

tion of less than fifteen thousand, according to the last, or any subsequent Federal Census and to provide the manner of payment and to repeal all laws and parts of laws in conflict with this Act.

Committee on Local Legislation.

By Mr. Cook:

S. 378. To relieve all persons in Cleburne County, Alabama of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation, to work on the public roads in Cleburne County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL LEGISLATION FOR CLEBURNE COUNTY, ALABAMA

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama during the present session of 1935, provisions of which bill apply only Cleburne County, Alabama, said bill being in words and figures, substantially as follows:

A BILL TO BE ENTITLED AN ACT

To relieve all persons in Cleburne County, Alabama of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation, to work on the public roads in Cleburne County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. That all persons in Cleburne County, Alabama, shall be relieved of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such legal obligation to work on the public roads in Cleburne County, Alabama.

SECTION 2. That all laws, both general and local, in conflict with the provisions of this act, be and the same are hereby repealed.

SECTION 3. That this act shall take effect upon its approval by the Governor.

Grady W. Cook,
State Senator, 34th district.

State of Alabama, }
Cleburne County. }

Before me, Louise Rowell, a N. P. and Ex-Officio Justice of the Peace in and for the county aforesaid, personally appeared C. F. Dodson, Editor and Publisher of The Cleburne News, a newspaper published weekly at Heflin, Cleburne County, Alabama, who being duly sworn, who says that the above attached copy of a bill to be introduced in the Legislature which is now in session in August, 1935, was published in The Cleburne News, a weekly newspaper, for four consecutive issues, from May 23, 1935, to June 13, 1935.

C. F. Dodson,
Editor and Publisher
The Cleburne News, Heflin, Cleburn Co. Alabama.

Sworn to and subscribed before me this the 5th day of August, 1935.

(SEAL)

Louise Rowell,
Notary Public and Ex-Off. J. P.

By Mr. Cook:

S. 379. To authorize and empower the Courts of County Commissioners and/or Boards of Revenue, and/or other Governing Bodies of all counties of Alabama which now have or may hereafter have a population of less than fifteen thousand, according to the last, or any subsequent Federal census, to transfer any funds (except school monies and sinking funds) that may be received by the county, to the general fund of the county at any meeting of said Court, or Board of Revenue or Governing Body and to ratify like transfers heretofore made and to repeal all laws and parts of laws in conflict with this section.

Committee on Local Legislation.

By Mr. Swift:

S. 380. To appropriate a sum not to exceed in the aggregate \$5,000.00 per annum for four years to the Board of Trustees of the University of Alabama and the Board of Trustees of the Alabama Polytechnic Institute, such appropriation to the Board of Trustees of the University of Alabama and the Board of Trustees of the Alabama Polytechnic Institute to be used for the purpose of extending and improving the uses of the naval stores products of the State of Alabama, and for the purpose of increasing its consumption.

Committee on Finance & Taxation.

By Mr. Swift:

S. 381. To authorize the Judge of Probate, the Tax Assessor and the Tax Collector in all counties which now or may hereafter embrace an area of twelve hundred and fifty (1250) or more square miles, where it is necessary or expedient to the efficient conduct of such offices, to employ more help than is allowed by the provisions of House Bill 324, approved July 10, 1935, when such employment is authorized and approved by the Court of County Commissioners or like governing body of such counties, duly entered on the minutes of such Court.

Committee on County and County Boundaries.

By Mr. Mooneyham (by request):

S. 382. "Relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the attorney general in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination

and to recover damages therefor, making the violation of the provisions of this Act a misdemeanor and providing penalties."

Committee on Constitution and Constitutional
Revision and Amendments.

REPORTS OF COMMITTEES

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 318. To amend Section 4 of an Act entitled "An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and/or housing projects; to provide for the creation of such housing authorities; to define the powers and duties of such housing authorities and to provide for the exercise of such powers including the borrowing of money, issuance of bonds and other obligations and the giving of security therefor to provide for the payment of such bonds and other obligations with the approval and consent of a Board to be known as the Public Works Board of Alabama; and to provide for the remedies of bond and other obligation holders of such housing authorities," approved February 8, 1935.

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Welch:

H. 781. To amend Section 18 of an Act entitled, "An Act to establish Jury Boards in the several counties of this state, to fix the membership of said Boards, to prescribe the qualifications and terms of office and provide for the appointment of the members thereof; to fix their compensation and to define their duties; to provide for the appointment, duties and compensation of clerks of said Boards, for the qualifications of jurors, for the preparation of jury rolls and the emptying, filling and refilling of jury boxes; and to provide for the payment of the necessary expenses of the Board. (Approved February 20, 1931)."

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Woodall:

S. 262. To amend Section 8179 of the Code of Alabama of 1923.

By Mr. Woodall:

S. 264. To provide for reducing the amount of the bond of an executor, administrator or guardian pending final settlement of the administration of such estate. To provide that upon the filing of any partial settlement by the executor under a will or the administrator of the estate of a deceased person or the guardian of a minor or person of unsound mind, in the court in which such estate is pending, such executor administrator or guardian may pray for a reduction in the amount of his or her bond as such fiduciary, and thereupon the court must set a day for the hearing of such partial settlement, and must cause notices to issue to all parties in interest as is now provided by law for final settlement of such estate, and on the day set for hearing such partial settlement any item of account included in any previous settlement may be re-examined; but its allowance in the previous settlement is presumptive evidence of its correctness, and the court must proceed to examine and audit the account as provided for final settlements of such estates. On auditing the account the court must state the same and render a decree passing it as stated, and must fix the amount to which the bond shall be reduced which shall be determined as now provided by law for such bonds, and the same must be recorded, and such decree shall be final as between all the parties as to all matters and things included in such settlements, and an appeal may be taken from such decree to the Supreme Court within 30 days from the rendition thereof to the Supreme Court as now provided by law. All laws in conflict herewith are hereby expressly repealed.

By Mr. Woodall:

S. 265. To provide that each personal surety on any bond required by law to be approved by any Judge of Probate of the State of Alabama, shall file with such officer, before his approval of the bond, a statement signed by such surety and sworn to by him before some officer authorized to administer oaths, stating that said surety is a resident of the State of Alabama and that the aggregate value of his property, real and personal, situated in the State of Alabama, not exempt from debts and other liabilities, and in excess of his debts and liabilities, is equal to or more than the penalty of the bond; and to provide that any such surety who swears to or affirms such statement falsely, shall be guilty of perjury and shall be punished as provided by the laws of the State of Alabama for such offense; and to provide that no such officer shall approve any bond without such statement being filed with the bond; and to

provide that such statements shall be recorded with such bond if the bond is required by law to be recorded, and when so recorded said record or a certified copy thereof shall have the same force and effect in any court of this State as the original statement; and to provide that a fee of twenty-five cents shall be paid by the principal on said bond to such officer for filing and/or recording such statement of each surety; and to provide for the repeal of all laws in conflict herewith.

By Mr. Woodall:

S. 267. To provide that the several probate courts of this State are hereby authorized to relieve minors over eighteen years of age from the disabilities of non age in the same manner and upon the same terms and conditions as is now provided by Sections 8280 to 8285 inclusive of the Code of Alabama of 1923.

And to provide that all the duties required by Sections 8280 to 8285 inclusive of the Code of Alabama of 1923 to be performed by the register of the Circuit Court shall be performed by the Judge of the Probate Court having jurisdiction and he shall be entitled to receive and collect all the costs and fees now collected by the Register of the Circuit Court for performing the same services.

And to provide that this act is intended to give the Probate Court concurrent jurisdiction with the Circuit Court in equity and is not exclusive.

And to provide that all laws and parts of laws in conflict herewith are hereby repealed.

By Mr. Woodall:

S. 269. To provide for changing the name of an adult or minor by filing petition therefor in the Probate Court of the County in which such person resides.

By Mr. Woodall:

S. 271. To amend Section 7948 of the Code of Alabama of 1923 so as to read as follows:

When all the property, real and personal, owned by a decedent at the time of his death does not exceed in amount and value the exemption allowed in favor of his widow, and minor child or children, or either regardless of whether it consists of one or more parcels of real estate and whether or not there is a homestead, and no administration is granted on his estate within 30 days after his death, the probate court of the county in which he resided at the time of his death, upon the application of the widow, or if there be no widow, or she does not act upon the application of a suitable person who shall be appointed by the Judge of Probate as the next friend of such minor child or children, verified by oath and setting forth such facts, as well as the names, condition, and resi-

dence, if known, of the heirs of the decedent, other than the minor children of the decedent, must appoint two commissioners who shall make a full and complete inventory and appraisal of the real and personal property of such decedent, describing the property and stating the value of each item or parcel thereof; and in estimating the value of such property, or any part thereof, if the same be held in pledge or under mortgage or other lien or incumbrance created prior to the death of the decedent, such encumbered property must be valued at only the excess of its value over and above the sum of such liens or other incumbrances.

By Mr. Woodall:

S. 274. To amend Section 5744 of the Code of Alabama of 1923. To provide that Section 5744 of the Code of Alabama be amended so as to read as follows:

If no person entitled to the administration of the Estate, according to the first three subdivisions of the second preceding section, applies for letters within 30 days after the death of the intestate is known, the persons so entitled must be held to have relinquished their right to the administration.

By Mr. Woodall:

S. 276. To amend Section 8108 of the Code of Alabama of 1923.

By Mr. Woodall:

S. 277. To amend Section 8106 of the Code of Alabama of 1923.

By Mr. Woodall:

S. 284. To provide that the successor of an executor or administrator may maintain an action and recover for the benefit of the estate or for the person entitled thereto, on his predecessor's official bond to the full extent of the injury sustained.

By Mr. Woodall:

S. 285. To provide that any gift, devise or bequest for any benevolent, religious, educational or charitable purpose, or to any city, county, municipality, corporation or association for such purpose is void in excess of more than one-fourth of the estate where the will making such gift, devise or bequest is executed less than six months prior to the death of the testator or testatrix and husband or wife or issue or adopted child or children survive such testator or testatrix.

By Mr. Woodall:

S. 286. To amend Section 5806, Code of Alabama of 1923.

By Mr. Woodall:

S. 287. To amend Section 10598, Code of Alabama of 1923.

By Mr. Woodall:

S. 290. To amend Section 5742 of the Code of Alabama of 1923.

By Mr. Woodall:

S. 293. To amend Section 5778, Code of Alabama of 1923.

By Mr. Woodall:

S. 295. To amend Section 10615, Code of Alabama of 1923.

By Mr. Woodall:

S. 296. To amend Section 10577, Code of Alabama of 1923.

By Mr. Woodall:

S. 297. To provide that any will except an unattested holographic will which is executed without the state and in the United States or any of its possessions in the mode prescribed by the law of the place where it is executed shall have the same force and effect as if executed according to the laws of this State and may be admitted to probate.

By Mr. Woodall:

S. 300. To amend Section 5826 as Amended by Acts of 1931 at page 831.

By Mr. Woodall:

S. 301. To amend Section 7918, Code of Alabama of 1923.

By Mr. Woodall:

S. 303. To Amend Section 7887 of the Code of Alabama of 1923.

By Mr. Rogers (Mobile):

S. 307. To provide a lien for laundering, cleaning, dyeing, pressing, mending and/or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

By Mr. Dominick:

H. 506. To amend Section 9257 of the Code of Alabama of 1923, regarding printing and publication of legal advertisements.

Mr. Russell, Acting Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Walton (with amendment):

S. 365. To create a State Department of Public Welfare; to provide for a State Board of Public Welfare for the government thereof; to prescribe its powers and duties; to provide for the appointment of a Commissioner as Executive Officer and for the appointment of other employees, their compensation and the maintenance and other expenses of the State Department of Public Welfare; to transfer to the State Department of Public Welfare all the powers, duties, and obligations now vested in and relating to the State Child Welfare Department, except the administration of the State Child Labor Law, which may now or hereafter be

transferred to the Department of Labor in the event such department be established; to transfer to the State Department of Public Welfare all those duties having to do primarily with the determination of need and authorization of relief now performed by the Alabama Relief Administration; to empower the State Department of Public Welfare to administer all public assistance funds, child welfare funds, and all funds appropriated by the Legislature to the State Department of Public Welfare for the purposes for which they are appropriated; to authorize the State Department of Public Welfare to act as agent for and to cooperate with any Federal or State agency or enactment now or hereafter provided by law for the purpose of rendering public assistance and services through any of the bureaus herein created; to authorize the State Board of Public Welfare to create such other bureaus and divisions within the purview of this Act as may be necessary for its administration and to prescribe rules and regulations governing the same; to authorize the State Board of Public Welfare to prescribe adequate standards of education, training and experience which must have been attained by persons selected for the positions to be filled in each of the bureaus and divisions of the State Department of Public Welfare and in the several county departments of public welfare; to authorize the State Board of Public Welfare to issue certificates to such persons as may meet the qualifications prescribed; to provide a mental hygiene program and non-institutional care; to authorize the State Department of Public Welfare to collect statistics and other information relative to public welfare and to make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for public assistance, family welfare, child welfare and other welfare activities; to create county departments of public welfare and to provide for county boards of public welfare for the government thereof; to prescribe their powers and duties; to transfer to the county boards of public welfare and the county departments of public welfare all rights, duties, powers and obligations of the present county child welfare boards; to authorize the county departments of public welfare, operating under the county boards of public welfare, to act as agents for and to cooperate with any Federal, State or County agency or enactment now or hereafter provided by law for the purpose of rendering public assistance, family welfare services and child welfare services; and to repeal all laws in conflict herewith.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Starnes:

S. 373. To permit the playing of tennis, golf, baseball and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in cities of the State which now have or may hereafter have a population of not less than Twenty-Four Thousand inhabitants nor more than Sixty Thousand inhabitants, according to the last or any subsequent Federal Census and within the police jurisdiction thereof; to provide that the governing body of any such city may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city, and to provide for holding of other and subsequent elections on such acts and for cost thereof.

By Mr. Todd:

H. 118. To provide for a License Inspector in all counties in the State of Alabama having more than one hundred fifty thousand population, according to the last or any succeeding Federal Census; to fix his compensation and define his duties.

By Mr. Kelly (with amendment):

H. 512. To amend an Act "To require that all county officers in all counties which now have or may hereafter have a population of less than eighteen thousand according to the last or any subsequent Federal Census to pay premium on official bond" approved April 4, 1933—being House bill No. 275, page 102 of General & Local Acts of Alabama, extra session, 1933.

By Mr. Sparks (Walker) (with Notice and Proof):

H. 587. To authorize the County Commission, Board of Revenue or other governing body of Walker County, to build, equip, maintain, and operate a County Hospital within said county, and to appropriate out of the County Treasury such sums of money as are necessary for the operation of said hospital; to provide for the appointment of a hospital board by the said County Commission, Board of Revenue or other governing body of said county to operate said hospital; to provide for a secretary to said hospital board and fix his salary and prescribe his duties; and to make such rules and regulations as are necessary for the maintenance and operation of said hospital.

By Mr. Doster (with Notice and Proof):

H. 733. To validate and make payable out of the Fine and Forfeiture Fund of Autauga County, Alabama, outstanding warrants due the present Judge of the Civil and Criminal Court of Autauga County, Alabama, and to provide the manner of payment of the same, and the registration of said warrants.

By Mr. Burleson (with Notice and Proof):

H. 764. To prescribe the salary and the manner of payment of the same, of the chief deputy sheriff for Morgan County, Alabama.

By Mr. Burleson (with Notice and Proof):

H. 765. To allow the sheriff of Morgan County, Alabama, a deputy sheriff in addition to the chief deputy sheriff, and fix his salary, and make it payable out of the general funds of the county in equal monthly installments, said deputy to be located in Decatur, Alabama.

By Mr. Connor:

H. 786. To amend Section 11 of an Act of the Legislature approved August 15, 1923, entitled "An Act to amend an Act approved September 25th, 1915, entitled: 'An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;' and to provide for the going into effect of the various sections of said Act as amended;" to provide for the qualifications, appointments, selection, employment, terms, regulations, compensation and removal of certain employees in such cities.

By Mr. Welch (with Notice and Proof):

H. 809. To regulate the nomination of circuit judges in primary elections in the Tenth Judicial Circuit of Alabama:

By Mr. Taylor:

H. 817. To define, regulate and license barbers and barber colleges, and other like businesses in Mobile County, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission.

By Mr. Goodwyn (with Notice and Proof):

H. 822. To make further provision for the alteration or rearrangement of the boundary lines of the City of Montgomery, in the County of Montgomery, and State of Alabama, by the inclusion within the corporate limits of said City of the territory now or formerly included within the towns of Capitol Heights and Cloverdale, and certain other territory.

By Mr. Taylor (with Notice and Proof):

H. 844. To fix and provide for a supplementary salary of the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to fix the amount of such salary and to provide that same shall be paid out of the General Funds of the County Treasury of Mobile County, Alabama, and to provide that such salary shall be a preferred claim against the County and to be paid in equal monthly installments.

By Mr. Staples (with Notice and Proof):

H. 847. To provide for the appointment of an Assistant Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to fix the term of said office; to prescribe the duties and authority of said Assistant Solicitor and to fix his compensation; and to provide the manner of payment thereof and that such salary shall be a preferred claim against Mobile County, Alabama.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 304. To require 25% of the total funds received by St. Clair County, Alabama, from the levy and collection by the State of Alabama of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the principal of all bonds issued against the road and bridge funds of St. Clair County, which bonds were issued for the purpose of constructing public roads and bridges in said county; requiring the County Treasurer or like official or depository of said County to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof with said funds for said purpose, providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama, and to provide the time when this act shall take effect.

Also:

S. 322. To authorize, empower and direct the Town of Muscle Shoals, Alabama, to sell and convey to the United States of America title to that certain real estate owned by the Town of Muscle Shoals, Alabama, known as the Airport, which is described as follows, to-wit: A tract of land lying in Colbert County, State of Alabama, on the left side of the Tennessee River, approximately three miles South of Wilson Dam, in Township 3 South, Range 10 West, and more particularly described as follows: The SW $\frac{1}{4}$ of Section 32, the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 32. All of the above described

land contains 240 acres, more or less; and, to authorize, empower and direct said Town of Muscle Shoals, Alabama, to make, enter into, execute, and deliver all contracts, deeds, instruments, and other documents necessary and proper to enable said Town of Muscle Shoals, Alabama to convey satisfactory title to the United States of America; to ratify and confirm all contracts heretofore made and entered into by the Town of Muscle Shoals, Alabama, with the United States of America and/or the Tennessee Valley Authority for the sale of said real estate; and to vacate and annul all rights of the public in and to said land.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 304. To require 25% of the total funds received by St. Clair County, Alabama, from the levy and collection by the State of Alabama of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the principal of all bonds issued against the road and bridge funds of St. Clair County, which bonds were issued for the purpose of constructing public roads and bridges in said county; requiring the County Treasurer or like official or depository of said county to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof with said funds for said purpose, providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama, and to provide the time when this act shall take effect.

S. 322. To authorize, empower and direct the Town of Muscle Shoals, Alabama, to sell and convey to the United States of America title to that certain real estate owned by the Town of Muscle Shoals, Alabama, known as the Airport, which is described as follows, to-wit: A tract of land lying in Colbert County, State of Alabama, on the left side of the Tennessee River, approximately three miles South of Wilson Dam, in Township 3 South, Range 10 West, and more particularly described as follows: The SW $\frac{1}{4}$ of Section 32, the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 32. All of the above described land contains 240 acres, more or less; and, to authorize, empower and

direct said Town of Muscle Shoals, Alabama, to make, enter into, execute, and deliver all contracts, deeds, instruments, and other documents necessary and proper to enable said Town of Muscle Shoals, Alabama to convey satisfactory title to the United States of America; to ratify and confirm all contracts heretofore made and entered into by the Town of Muscle Shoals, Alabama, with the United States of America and/or the Tennessee Valley Authority for the sale of said real estate; and to vacate and annul all rights of the public in and to said land.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Mr. Swift:

S. J. R. 95. Relative to requesting the University of Alabama through its Research Department of the School of Commerce to make a survey and prepare a report of the effect of a \$2,000.00 gross (\$1,200.00 Net) Homestead Exemption on the revenues of the State, the Counties and the several Municipalities of Alabama, together with an estimate of the revenues that will be produced for each one per cent (1%) of a Sales Tax.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Messrs. Hall and Kirby:

H. 443. To provide for a mimeograph machine or any similar duplicating machine and equipment for use of the Legislature; to make appropriation for the purchase of such machine and the employment of the necessary clerks to operate the same and to generally provide therefor.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 443, to the Committee on Rules.

NOTICE OF MOTION TO TAKE FROM ADVERSE CALENDAR

Mr. Wellborn gave to the Senate the following notice in writing:

"Notice is hereby given that on the fortieth Legislative day I will move to take from the adverse calendar, have the same read a second time and placed on the regular calendar, the bill:

S. 139. To provide for the examination and audit by the Division of Departmental and County Audits of the records of all city officers in cities of Alabama which may now or hereafter have a population of ten thousand (10,000) or more according to the last or any subsequent Federal Census; to provide for the payment of the cost of said examination; and to provide for the employment of a sufficient number of clerical assistants in the Division of Departmental and County Audits to carry out the provisions of this Act.

M. B. Wellborn."

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Chichester:

H. 178. To vest in the City of Birmingham, a municipal corporation, the title to the East half of block 44, according to the Elyton Land Company's survey, for the purpose of a public municipal park.

Also:

By Mr. Connor:

H. 580. To provide for the appointment of Bailiffs for the various divisions of the Circuit Court in all counties of this state which now have or which may hereafter have a population of more than three hundred thousand people, according to the last Federal census or any such census which may hereafter be taken, and to provide the term of office of such bailiffs and to provide for their compensation.

Also:

By Mr. Connor:

H. 739. To provide for the unification of the fiscal administration of Jefferson County; to create the office of County Comptroller of Jefferson County and provide the method of his selection; to define the duties and authority of such officer; to transfer to him the duties heretofore fixed by law for performance by the County Treasurer, the Tax Assessor, the Tax Collector and the Commissioner of Licenses of Jefferson County; to require said County Comptroller to perform certain duties now devolving upon the Probate Judge of Jefferson County; to abolish the offices of County Treasurer, Tax Collector, Tax Assessor and Commissioner of Licenses of Jefferson County; to provide for a deputy County Comptroller at Bessemer; to provide said County Comptroller with necessary deputies, clerks and assistants; to provide for the oath of office and bond of said County Comptroller; to provide said County Comptroller with quarters and supplies and modern office equipment; to fix the compensation of said County Comptroller; and to provide for the continued employment of certain officers duly elected by the people.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that it is the intention to apply to the Legislature of Alabama at its regular session during the year 1935 for the passage of an Act the substance of which is substantially as follows:

A BILL TO BE ENTITLED AN ACT

To provide for the unification of the fiscal administration of Jefferson County; to create the office of County Comptroller of Jefferson County and provide the method of his selection; to define the duties and authority of such officer; to transfer to him the duties heretofore fixed by law for performance by the County Treasurer, the Tax Assessor, the Tax Collector, and the Commissioner of Licenses of Jefferson County; to require said County Comptroller to perform certain duties now devolving upon the Probate Judge of Jefferson County; to abolish the offices of County Treasurer, Tax Collector, Tax Assessor, and Commissioner of Licenses of Jefferson County; to provide for a deputy County Comptroller at Bessemer; to provide said County Comptroller with necessary deputies, clerks and assistants; to provide for the oath of office and bond of said County Comptroller; to provide said County Comptroller with quarters and supplies and modern office equipment; to fix the compensation of said County Comptroller; and to provide for the continued employment of certain officers duly elected by the people.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of County Comptroller of Jefferson County. The County Commission of Jefferson County shall within sixty days after this act becomes effective appoint a County Comptroller who shall serve until the first Monday after the second Tuesday in January, 1937, and until his successor is elected and qualified. At the gen-

eral election in November, 1936, the duly qualified voters of Jefferson County shall elect a County Comptroller who shall serve for a term of two years, beginning on the first Monday after the second Tuesday in January next and until his successor is elected and qualified. At the general election in November, 1938, and at the general election each four years thereafter, the qualified voters of Jefferson County shall elect a County Comptroller who shall serve for a term of four years beginning on the first Monday after the second Tuesday in January next and until his successor is elected and qualified.

Section 2. It shall be the duty of the County Comptroller to assess property for taxation and collect the taxes, to collect the licenses, and to collect for the use of the state, county or other governmental entity entitled thereto, all interest, penalties, fees, and other charges that may by law be due and payable, to keep the custody of the funds of the county, make proper records thereof, disburse funds as required by law and otherwise to perform the duties and functions heretofore performed and as are now fixed by law to be performed by, and to comply with all provisions of law relating to the County Treasurer of Jefferson County, the Tax Assessor of Jefferson County, the Tax Collector of Jefferson County, and the Commissioners of Licenses of Jefferson County. The County Comptroller shall perform such duties as may from time to time be required of him by the County Commission.

Section 3. It shall be the duty of the County Comptroller to perform the ministerial duties heretofore required to be performed by the Probate Judge of Jefferson County relative to the collection of taxes and the redemption of lands sold for taxes and the care of land acquired by the State in the collection of taxes.

Section 4. The following offices, viz., those of the County Treasurer of Jefferson County, the Tax Collector of Jefferson County, the Tax Assessor of Jefferson County, and the Commissioner of Licenses of Jefferson County, are hereby abolished.

Section 5. The County Comptroller shall designate a Deputy County Comptroller who shall maintain an office in the Court House at Bessemer and who shall perform the duties and functions of the County Comptroller in the Bessemer Cut-off, or Bessemer Division.

Section 6. Subject to the approval of the County Commission of Jefferson County the County Comptroller of Jefferson County shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks and assistants to properly perform at Birmingham and Bessemer the duties of the office. Any person so appointed shall, subject to the provisions of any civil service law then effective, be removable at the pleasure of the County Comptroller. The acts of the deputies shall have the same force and legal effect as if performed by the Comptroller himself.

Section 7. Before entering upon the duties of his office the County Comptroller of Jefferson County shall take the oath of office prescribed by Article XVI of the Constitution and enter into bond in such sum as may be fixed by the County Commission of Jefferson County, giving as surety thereon a bonding Company authorized to do business in this State, which bond shall be conditioned as other official bonds are conditioned and be approved by and filed with the Probate Judge of Jefferson County.

Section 8. The County Commission shall supply the County Comptroller of Jefferson County with offices in the court house of said county at Birmingham and at Bessemer and with all necessary stationery, equipment, and supplies not otherwise furnished by law. The County Comptroller is authorized to use and the County Commission is authorized to purchase, such modern bookkeeping, recording and tabulating machines, loose leaf

ledgers, and other improved devices as will in the discretion of the County Commission promote efficiency and economy in the conduct of the county's affairs.

Section 9. The salary of the County Comptroller of Jefferson County shall be \$4800.00 annually, and shall be payable in equal monthly installments out of the County Treasury. The County Comptroller shall not be entitled to retain for himself any fees, commissions, penalties, or other compensation, which as collected shall be paid into the County Treasury.

Section 10. The officers duly elected by the people for terms expiring subsequent to the effective date of this act, whose offices are abolished by the provisions of Section 4 hereof, shall be appointed by the County Comptroller, subject to removal for cause, for the remainder of their terms, as assistant to the Comptroller at the monthly salaries being received by them on the effective date of this act, and shall perform such duties and functions and shall have such authority as the County Comptroller may from time to time assign to them.

Section 11. This act shall take effect thirty days after the proclamation of the Governor making known ratification by the people of an amendment to the Constitution of Alabama amending Amendment II thereof by adding Sections 2 and 3 thereto. In the event said amendment fails of ratification by the people, then this Act is null, void and of no effect.

Section 12. All laws or parts of laws, general or local, in conflict herewith are expressly repealed.

Section 13. If any section or provision of this act is declared unconstitutional, it shall not affect the remaining sections or provisions.

AFFIDAVIT

STATE OF ALABAMA,
JEFFERSON COUNTY.

Personally appeared before me, the undersigned authority, Geo. M. Howle, who first being duly sworn by me, deposes and says on oath that he is the Publisher of The Weekly Call, a weekly Newspaper published in said State and County, and that the notice, a true copy of which is hereto attached was published in The Weekly Call, once a week for four consecutive weeks, commencing on the 25th day of May, 1935.

Geo. M. Howle,

Subscribed and sworn to before me on this the 17th day of June, 1935.

Clarice Bachus,
Notary Public.

Also:

By Mr. Denson:

H. 747. To repeal an Act of the General Assembly of Alabama, approved December 8, 1898, entitled "An Act to allow stock to run at large in Beat 12, Lee County, at certain seasons of the year."

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF INTENTION TO APPLY FOR LOCAL LAW

Notice is hereby given that application will be made for the passage of a Bill and the enactment of a law by the present Legislature of Alabama, the substance of which is as follows:

A Bill to be entitled an Act:

To repeal an Act of the General Assembly of Alabama, approved December 8, 1898, entitled "An Act to allow stock to run at large in Beat 12, Lee County, at certain seasons of the year."

Be it enacted by the Legislature of Alabama, that an Act of the General Assembly of Alabama, approved December 8, 1898, entitled "An Act to allow stock to run at large in Beat 12, Lee County, at certain seasons of the year" which Act made it lawful for stock to run at large in Beat 12, Lee County, from the first day of December in each year to the first day of March in the succeeding year, be and the same is hereby repealed.
The State of Alabama,
Lee County.

Before me, Louise Hall, a Notary Public in and for said County in said State, personally appeared W. C. Wear, who being duly sworn says that he is one of the publishers of the Opelika Daily News, which is a newspaper that is now, and for more than twenty-five years has been, published daily in the City of Opelika, Lee County, Alabama; that the attached newspaper clipping "Notice of intention to apply for Local Law" proposing to repeal an Act allowing stock to run at large in Beat 12 in Lee County, was published in the issues of said Opelika Daily News on the 16th, 23rd and 30th days of May, 1935, and the 6th day of June, 1935.

W. C. Wear.

Subscribed and sworn to before me this 8th day of June, 1935.

Louise Hall,

Notary Public, Lee County, Ala.

Also:

By Mr. Adams:

H. 755. To provide and regulate in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal census the ownership, operation and maintenance of county passenger automobiles; to provide that such passenger automobiles shall be owned by such counties for the exclusive use of the sheriffs and their deputies; to provide for the disposition of other such automobiles; to provide that such sheriffs' and their deputies cars be distinctively colored, and operated and maintained by written orders which are recorded in public books; and to provide that any violation of this Act shall constitute a misdemeanor.

Also:

By Mr. Connor:

H. 757. To provide and regulate in all cities in this State having a population of 200,000 or more according to the last or any subsequent Federal census the ownership, operation and maintenance of city passenger automobiles; to provide that such passenger automobiles shall be owned by such cities for the exclusive use of the police and fire departments; to provide for the disposition of other such automobiles; to provide that such police and fire department automobiles be distinctively colored, and operated and maintained by written orders which are to be recorded in public books;

and to provide that any violation of this Act shall constitute a misdemeanor.

Also:

By Mr. Goolsby:

H. 766. To regulate, fix, and limit, the duties and powers of the Court of County Commissioners of Escambia County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

PUBLIC NOTICE

State of Alabama,
Escambia County.

Public Notice is hereby given that it is the intention of the Representative and Senator of said County in the present Legislature, either one or both, to apply to the present Legislature of Alabama now in session for the enactment of a Local Law which is as follows:

A BILL

Entitled—An Act, to regulate, fix and limit, the duties and powers of the Court of County Commissioners of Escambia County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1—That for the purpose of better enabling the County Governing Body to establish and maintain a more economical administration of the financial affairs of Escambia County, Ala., the duties, powers, and authority of the Court of County Commissioners of said County with references to purchases made for the account of the County, are hereby regulated, fixed and limited as hereinafter prescribed:

Section 2—That said Court is charged with the duty of purchasing all County Furniture, Fixtures, Implements, Machinery, Tools, Books, Printing, Stationery, and all other materials of every kind, authorized or required by law for the use of the County, and which are required by law to be paid for out of the funds of the County.

Section 3—That every County Officer, Agent, and Department of said County in need of materials, equipment, and supplies of any kind for which the County is chargeable shall make requisition upon said Court or its purchasing Agent and obtain the consent and approval of said Court or Purchasing Agent, one or both, before obtaining the same.

That all purchases made for supplies, goods, wares, and merchandise, and material of every kind, for the use of the County and which may be lawfully paid out of the County Funds before they, or any of them, shall be binding obligations upon said County, shall be first assented to, made or allowed, by the Court of County Commissioners of said County or some Purchasing Agent appointed and designated by said Court for that purpose, either one or both, and the Minute Records of said Court shall show said prior assent of the same: That competition shall be obtained in securing all materials and supplies for the County where possible and practical, and in the event of competition, contracts shall be awarded to the lowest and best bidder: That all obligations, debts, and contracts, of said County made without the recorded authority or approval of said Court, or contrary to the foregoing provisions are prohibited: Provided, however, that each County Commissioner may make purchases of Road and Bridge material and machinery for use in his road district without previous au-

thority of the Court, in the event of emergency or breakdown of road equipment, but which purchase shall afterwards be reported to and ratified by said Court; That no compensation shall be allowed and paid to any Purchasing Agent. To the end and purpose that said County Governing Body shall establish and maintain all County Funds on a cash basis insofar as the County Revenues will permit. This Act shall be in full force and effect upon its approval by the Governor.

This notice is duly published as required by the Constitution once a week for four consecutive weeks, prior to the introduction of said Bill and proposed law, into the Legislature of 1935 and without cost to the State, and at the expense of said County, and is published within said County where the matter or thing to be affected is situated and is published in a weekly newspaper, namely: "The Atmore Advance," at the City of Atmore, Ala., which newspaper is published within and is of general circulation within said County.

Dated May 18th, 1935.

AFFIDAVIT AND PROOF

STATE OF ALABAMA, }
 ESCAMBIA COUNTY. } CITY OF ATMORE

Before me, Mabry A. Collins, the undersigned Notary Public, in and for said State and County, this day personally appeared Charles W. Smith, who being by me first duly sworn deposes and says as follows:—

1st.—That he is the Editor and Publisher of—"The Atmore Advance"—which is a weekly newspaper published every Thursday in the City of Atmore and Escambia County, Alabama; That said newspaper is a weekly newspaper and has a general circulation throughout Escambia County, Ala.,

2nd.—That the foregoing printed notice hereinabove set out and shown was duly published in said newspaper for not less than four (4) consecutive weeks and said notice appeared in said newspaper on May 18th, May 30, June 6th, June 13th, and June 20, 1935, and was printed in said newspaper as above set out and shown.

3rd.—That said foregoing notice sets forth the substance of a bill or law which the Senator and Representative of Escambia County propose to present to the Legislature of Alabama, and said foregoing notice has been published in said newspaper for four consecutive weeks. Witness this the 1st day of July 1935.

Chas. W. Smith,

Editor and Publisher of said Newspaper.

Sworn to and subscribed to before me on this the 1st day of July, 1935, and witness my hand and official seal on said day.

(SEAL)

Mabry Collins,
 Notary Public.

Also:

By Mr. Adams:

H. 787. To abolish the First Division of the Municipal Court of Birmingham upon the establishment of the Intermediate Civil Court of Birmingham and to provide for the transfer and disposition of the pending causes and judgments of the said First Division of the Municipal Court of Birmingham.

With notice and proof thereto attached and herewith exhibited as follows:

To Whom It May Concern:

Take notice that it is the intention to apply to the Legislature of Alabama at its regular session during the year 1935 for the passage of an act, the substance of which is substantially as follows:

A BILL TO BE ENTITLED AN ACT

To abolish the First Division of the Municipal Court of Birmingham upon the establishment of the Intermediate Civil Court of Birmingham and to provide for the transfer and disposition of the pending causes and judgments of the said First Division of the Municipal Court of Birmingham.

Be it Enacted by the Legislature of Alabama:

Section 1. That upon the establishment of the Intermediate Civil Court of Birmingham the First Division of the Municipal Court of Birmingham shall be and is hereby abolished.

Section 2. That all cases and causes pending in the First Division of the Municipal Court of Birmingham together with all documents, papers and judgments thereof shall be transferred to the Intermediate Civil Court of Birmingham, upon its establishment, as if they had been begun therein. And all judgments heretofore rendered in the said First Division of the Municipal Court of Birmingham shall be treated the same as if they had been rendered by the Intermediate Civil Court of Birmingham and said Intermediate Civil Court of Birmingham and its officers shall have the same powers and control over the same and shall issue executions or other processes thereon the same as if the judgments had been rendered in the Intermediate Civil Court of Birmingham.

AFFIDAVIT

STATE OF ALABAMA,
JEFFERSON COUNTY.

Personally appeared before me, the undersigned authority, Clarice Bachus, who first being duly sworn by me, deposes and says on oath that she is the Bookkeeper and Clerk for the Weekly Call, a weekly Newspaper Published in said State and County, and that the notice, a true copy of which is hereto attached, was published in The Weekly Call, once a week for four consecutive weeks, commencing on the 8th day of June 1935.

Subscribed and sworn to before me on this the 1st day of July, 1935.

(SEAL)

Clarice Bachus,
Geo. M. Howle,
Notary Public.

Also:

By Mr. Adams:

H. 788. To establish an inferior court of record to be called the Intermediate Civil Court of Birmingham; to define the jurisdiction and powers of said court and the officers thereof; to provide for the election or appointment of the judge, clerk and other officers of said court; to fix the terms or tenures of office of the officers of said court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said court and fix the method of service of all processes therefrom; to create and designate the officials to serve processes issued by said court

and provide compensation therefor; to designate the officers of said court and define their duties and the duties of other officials with respect to said court; and to provide for appeals from said court and regulate the manner of taking same.

With notice and proof thereto attached and herewith exhibited as follows:

To Whom It May Concern:

Take notice that it is the intention to apply to the Legislature of Alabama at its regular session during the year 1935 for the passage of an act, the substance of which is substantially as follows:

A BILL TO BE ENTITLED AN ACT

To establish an inferior court of record to be called the Intermediate Civil Court of Birmingham; to define the jurisdiction and powers of said court and the officers thereof; to provide for the election or appointment of the judge, clerk and other officers of said court; to fix the terms or tenures of office of the officers of said court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said court and fix the method of service of all processes therefrom; to create and designate the officials to serve processes issued by said court and provide compensation therefor; to designate the officers of said court and define their duties and the duties of other officials with respect to said court; and to provide for appeals from said court and regulate the manner of taking same.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby established in and for Jefferson County, except that portion hereinafter particularly described, an inferior court of law which shall be called the Intermediate Civil Court of Birmingham.

Section 2. That the court hereby established shall be a Court of record and have and exercise civil jurisdiction in all civil matters of which justices of the peace and inferior courts in lieu of justices of the peace have jurisdiction under the general laws of the state, concurrently with the several justices of the peace and inferior courts in Jefferson County, and, in addition thereto, the said court shall have jurisdiction concurrently with the circuit court in all civil cases where the amount in controversy exceeds the jurisdiction of justices of the peace but does not exceed the sum of Three Hundred Dollars (\$300.00), but the court shall not have jurisdiction in such cases where the amount in controversy exceeds Three Hundred Dollars nor of actions of libel, slander, assault and battery, ejectment or actions in the nature of ejectment. Where the action is in detinue in which the plaintiff seeks to recover on a chattel mortgage or a conditional sale contract, the amount in controversy shall for the purpose of jurisdiction be the balance of the mortgage debt or purchase price as the case may be.

Section 3. That the territorial jurisdiction of this court shall not extend over that portion of Jefferson County which is included in the following precincts as now constituted, to-wit: Williams Precinct No. 1, Jonesboro Precinct No. 2, Parson's Precinct No. 3, Aaron's Precinct No. 4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7, Meeks Precinct No. 24, Toadvine Precinct No. 27, Bessemer Precinct No. 33, Gwin's Precinct No. 35, Huey's Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53, and Brighton Precinct No. 55.

Section 5. That the judge of this court shall have power to punish for contempt in all cases where judges of the Circuit Courts of this state can punish for contempt, by fine not exceeding \$50.00 and by improvement not exceeding five days, either or both.

Section 6. That the judge of this court shall be learned in the law and at the time of his election or appointment and during his tenure in office be a resident of that portion of the county comprising the territorial jurisdiction of the court. The term of office of the judge of said court shall be four years and until his successor is elected or appointed and qualified, provided that the first term of said judge shall end January 1, 1939, and that the judge of the Municipal Court of Birmingham, First Division at the time this act goes into effect shall be the judge of the court hereby established for the term ending January 1, 1939. The judge of said court for the term commencing January 2, 1939, and for each term thereafter shall be elected or appointed by a majority in number of the judges of the other courts of record of Jefferson County, Alabama, exclusive of the judge of the Bessemer Division of Circuit Court and all vacancies in the office of judge shall be filled for the unexpired term in the same manner. For the purpose of making such appointments or elections the Judge of the Probate Court of Jefferson County or in his absence or disability the Presiding Judge of the Circuit Court shall call a meeting of all of said judges at a place to be designated by him giving at least one day's notice of the time and place of said meeting, at which said meeting the judge calling said meeting shall preside and shall designate some clerk of one of the courts of record of Jefferson County to act as Secretary of said meeting, and the person receiving the vote of a majority of said judges so attending said meeting shall be declared elected or appointed and the Judge presiding shall certify the same in writing and the same shall be recorded in the office of the Judge of Probate of Jefferson County, Alabama. A majority of said judges so entitled to vote shall constitute a quorum for the purpose of holding said election.

Section 7. That the judge of said court shall receive an annual salary of Four Thousand Dollars (\$4,000.00), payable in equal monthly installments out of the county treasury of Jefferson County.

Section 8. That if the judge of said court shall be unable to discharge the duties of his office by reason of sickness, disqualification or inability, to hold said court it shall be the duty of the clerk to so certify to the Presiding Judge of the Circuit Court who shall appoint some practicing attorney, resident of the county as special judge, and such special judge shall perform all the duties of judge of said court during the illness, disqualification or inability of said judge, which said special judge shall receive the same compensation as the regular judge of said court during the time he serves. If, however, the illness, disqualification or inability to serve of the regular Judge shall exceed thirty days in each twelve months, the compensation of the special Judge for all time served by him in excess of thirty days shall be deducted from the salary or compensation of the regular Judge of this court.

Section 9. That there shall be a clerk of said court who shall be appointed by and hold office at the pleasure of the judge of said court and who shall give bond in such penal sum as the county commission or other like governing body of the county shall prescribe, which bond shall be approved by and filed in the office of the Judge of Probate of Jefferson County, and which bond shall be conditioned to faithfully discharge the duties of such office and to pay over all monies to the proper officers and persons to whom it is payable, and to faithfully account for all monies coming into his or her hands by virtue of such office, and upon the said bond there

shall be the same liabilities and remedies as upon the bond of the clerk of the circuit court, the premiums on said bond to be paid out of the county treasury. The county commission or other like governing body of the county shall prescribe or change the number of deputy clerks which it deems necessary to assist the clerk in the performance of the clerical duties of said court, and shall fix the salaries of the clerk and deputy clerks which shall be payable out of the county treasury as other county employees are paid, but the deputy clerks shall be appointed by and serve at the pleasure of the clerk of said court, and the county commission or other like governing body of the county may also require said deputy clerks, or any of them, to give bond conditioned to account for all monies coming into their hands, the premiums on such bonds to be paid out of the county treasury. The first clerk of said court to be appointed shall be the clerk of the Municipal Court of Birmingham, First Division, at the time this act goes into effect. The clerk of said court and the deputy clerks thereof shall, notwithstanding the provisions of this section, be governed and controlled with respect to their appointment, tenure of service, classification, grading, and compensation by the terms of any civil service law which may be in effect from time to time in Jefferson County, and such clerk and deputy clerks shall be entitled in determining their status under any such civil service law to have added to their terms of service any previous service in similar positions, provided such previous service immediately ante-dates their term of service as clerk or deputy clerks as the case may be of this court.

Section 10. That the constables of Precincts 9, 10, 21, 34, 37, 42, 46, and 54 of Jefferson County and the Sheriff of Jefferson County shall be ex officio officers of said court and shall execute all processes from said court and make return thereof, and shall receive the same fees as are now provided by law for similar services, with respect to processes issuing from the courts of justices of the peace in said county, but the fees of the sheriff shall be covered into the county treasury. All processes in cases where the amount in controversy is over \$100.00 shall be served by the sheriff, but processes in other cases may be delivered by the clerk to the sheriff or to the said constables under such rules of the court as the judge may prescribe.

Section 11. That the clerk of said court shall issue all processes out of said court, approve all bonds, keep a docket of said court, certify all appeals and perform such other duties as are usually required of clerks of courts. The bailiff's duties for said court shall also be performed by the clerk or one of the deputy clerks. The fees and costs that are now allowed by law to justices of the peace in Jefferson County, or which may hereafter be allowed by law in courts of justices of the peace in said county shall be taxed and collected and paid into the county treasury. There shall also be taxed, collected, and paid into the county treasury a suit fee in each case filed in said court of fifty cents where the amount in controversy is not over One Hundred Dollars, and Two Dollars where the amount in controversy is more than One Hundred Dollars.

Section 12. That the practice, procedure, judgments and records in this court shall conform to and be governed by the laws applicable to practice and procedure in justice of the peace courts in so far as applicable and except as otherwise provided in this act. All judgments required to be signed shall be signed by the judge. Judgments and the records thereof shall not be required to be more formal than those in courts of justices of the peace and shall be governed by the same laws as judgments in the courts of justices of the peace.

Every intendment is in favor of the sufficiency and validity of proceedings in this court, when brought in question either directly or collaterally

in any of the courts of this state where it appears on the face of the proceedings that this court had jurisdiction of the subject matter and the parties.

Section 13. That the owner of any judgment of this court may file a certificate of same in the office of the judge of probate under the same procedure and in the same manner as is now or may hereafter be provided for filing certificates of judgments rendered in the Circuit Court, which judgments when so registered shall be a lien on all property of the defendant subject to levy and sale under execution and such lien shall continue for six years from the date of registration and the registration shall be notice to all persons of the existence of a lien and during said period execution or other process to enforce collection of said judgments may issue.

Section 14. That the summons must be issued by the clerk of the court, and accompanied by the complaint of the plaintiff or by an endorsement setting forth the cause of action, but a complaint shall be sufficient if it contains such information as is required by law with respect to endorsements on the summons of courts of justices of the peace. The summons must be executed by the constable, sheriff or other officer authorized to serve process by leaving a copy of the summons and complaint, or summons with the cause of action endorsed thereon with the defendant which fact he must return with the process. All garnishments shall be answerable at or before nine o'clock A. M. of the return day of the writ and the court may render a conditional judgment against any garnishee who after proper service of the writ fails to answer at or before such time. No more than three days service of any rule or notice to show cause why a conditional judgment should not be made final shall be necessary in any garnishment proceeding in this court. Service of any notice proper to be made by publication may be perfected by one insertion of the notice and after ten days from the date of publication of any such the party so notified and failing to appear shall be treated as in default. In all garnishment proceedings in said court the court may upon motion of any party in interest and reasonable notice to the party or parties adversely affected not less than three days, and whether the garnishee has answered or not hear and determine the right of exemption of the defendant in garnishment with respect to the monies or property garnisheed.

Section 15. That the judge of the court shall make any and all necessary rules for the conduct of the court and the officers thereof, for the filing and trying of cases, for the distribution and service of the processes of the court and generally with respect to the duties of the various officers of the court and their relations to the court, the authority herein specifically granted not to be construed as limiting authority generally and usually exercised by judges in making and enforcing rules of court.

Section 16. That each calendar month shall constitute a term of said court, except that after five days from the rendition of a judgment in any cause the said judgment shall be beyond the jurisdiction and out of the power of the court the same as if the term of the court ended on said fifth day after the rendition of said judgment, but the court shall have the power to set aside, vacate or modify its judgments upon motion made within five days after the rendition of same, which said motion must be promptly determined. And the court may be open for business and render default or other judgments at any time after nine o'clock in the morning of each day, and all processes of the court where no time is otherwise fixed shall be returnable at nine o'clock A. M. of the return day.

Section 17. That in cases of emergency the judge of said court may appoint a suitable person to act as special constable without bond except as hereinafter provided; and the person so appointed must perform the same

duties and is liable to same pains and penalties and is entitled to the same fees as regular constables; but such special constable is not authorized to act in any case where the amount in controversy is over one hundred dollars, nor to levy or collect executions, attachments or writs of detinue, unless prior to levying or collecting of executions, attachments or writs of detinue he executes a bond in the sum of twice the amount of the property to be levied on payable to defendant as required of special constables appointed by justices of the peace, and with securities to be approved by the clerk of the court.

Section 18. That in all cases the said court shall be tried by the judge of said court without the intervention of a jury, the judge determining both the law and facts and any party shall have the right to appeal to the Circuit Court within five days from the entry of judgment and on appeal either party may demand a trial by jury under the same rules as are provided by law for demand of jury trials in cases of appeal from judgments of justices of the peace and the trial in said Circuit Court shall be de novo and according to the same procedure as apply to appeals from judgments of justices of the peace.

Section 19. That appeals from judgments of said court to the Circuit Court in cases of forcible entry and unlawful detainer shall be taken within the same time and in the same manner and upon the same conditions with respect to bonds and surety as are applicable to appeals in like cases from justices of the peace courts.

Section 20. That any party desiring to appeal shall give bond with sureties to be approved by the clerk conditioned to pay all costs which may be taxed against him in the Circuit Court. If the judgment appealed from is for the payment of money or for the recovery of personal property and the party appealing desires to have the judgment superseded, he shall give bond with sureties to be approved by the clerk and payable to the party or parties in whose favor the judgment was rendered and in such penalty as the judge may prescribe conditioned to pay and satisfy such judgment and costs as may be awarded and taxed against him on the trial of the case in the Circuit Court. And all such bonds shall be filed with and approved by the clerk within five days from the rendition of the judgment from which appeal is taken. This section shall not be applicable to judgments in forcible entry and unlawful detainer cases.

Section 21. Certioraris from judgments of this court may be granted by judges of the Circuit Court and trials de novo had in the Circuit Court for the same causes, and upon the same conditions and according to the same procedure as apply to statutory certioraris from judgments of justices of the peace, and all certificates and notices with respect to such certioraris shall be issued by the clerk.

Section 22. That in any case in said court wherein the parties in interest shall either before or after final judgment file in the cause a written waiver of their rights to jury trial and waiver of appeal to the Circuit Court, then the appeal in such case shall lie direct to the Court of Appeals to be taken within five days from final judgment and in such cases the appeals and costs thereof shall be taken, regulated, controlled, governed and disposed of in the same manner and according to the same procedure as apply to appeals from judgments of the Circuit Court except as herein provided. The bills of exceptions in such cases shall be presented to the judge within 30 days from the date of judgment and must be signed by him within 30 days after presentation and the date of presentation and signing of such bills of exception must be endorsed thereon by the trial judge. In cases of such appeals to the Court of Appeals the clerk shall make up a record

and transcript of all the proceedings in the cause including the bill of exceptions and certify the same to the Court of Appeals.

Section 23. That it shall be the duty of the County Commission or other like governing body of Jefferson County to provide a suitable place in the Courthouse for the holding of said court and for the transaction of its business, and furnish all the books, stationery, papers and other things as provided by law for the Circuit Court and that may be necessary for the operation and maintenance of said court.

Section 24. The Judge of this Court shall be authorized to take and have a vacation of 30 days, with pay during such vacation, in each calendar year, and to absent himself from said Court for said number of days in each calendar year. The said number of days hereby allowed as a vacation to the Judge of this Court may be taken on successive days or at different intervals. Whenever the Judge desires to take a vacation as herein provided and absent himself from the Court, he shall certify to the Presiding Judge of Circuit Court of such county the fact that he will be absent from the Court on a vacation and request said Presiding Judge of Circuit Court to appoint a Judge to act as special Judge in his absence, whereupon the said Presiding Judge of Circuit Court shall appoint a practicing attorney residing in the county over which said Court has jurisdiction as special Judge during the absence of the Judge of the Court, not to exceed thirty days. Such special Judge shall perform all the duties of the regular Judge of said Court, and while acting as such Special Judge shall perform all the duties of the regular Judge of said Court, and while acting as such Special Judge, shall have and exercise all the powers and authority of the said regular Judge and he shall be paid out of the Treasury of the County for the time he acts as special Judge the same compensation fixed herein to be paid the regular Judge.

Section 25. That it shall be the duty of the clerk to issue an execution on all judgments rendered in said court after five days from the entry thereof and place the same in the hands of the sheriff or other officer of the court who shall return such execution within thirty days thereafter, said return to show that he has collected said judgment and paid the same or the amount collected, or is unable to find property of the person against whom said process issued out of which said execution can be satisfied in whole or in part. Real property may be levied on and sold under any execution from this court without motion or other proceeding in Circuit Court.

Section 26. That if it shall appear to the clerk that in any case where an execution has been returned unsatisfied as to the cost of said cause and in the opinion of the clerk said cost can be collected by an alias execution the clerk may issue such alias execution and may direct the sheriff or constable as to what property can be levied upon to satisfy said judgment.

Section 27. That when in any case execution against the defendant is returned "No property found" execution may issue against the plaintiff, in the name of the clerk, for all costs created by him in obtaining his judgment or attempting to collect the same.

Section 28. Neither party to a suit in this court as a matter of right may file interrogatories to be propounded to the opposite party, but for good cause shown, the judge of this court may allow such interrogatories to be propounded, in which case the judge shall fix the time in which they shall be answered, and the said filing and answering of said interrogatories, except as herein provided, shall be governed as far as applicable by practice and procedure of the circuit court, and the same costs shall be taxed and collected with respect to such interrogatories as is provided in the circuit court.

Section 29. That this court shall have no jurisdiction of criminal offenses and no jurisdiction in equity, and the judge of this court shall not

have authority to grant writs of certiorari, supersedeas, quo warranto, mandamus, nor writs of injunction or ne exeat.

Section 30. That the judge of this court shall have the same powers and authority with respect to taxation, retaxation and apportionment of costs as are conferred upon judges of the circuit court.

Section 31. That all laws both local and general in conflict with this act are hereby repealed.

AFFIDAVIT

STATE OF ALABAMA,
JEFFERSON COUNTY.

Personally appeared before me, the undersigned authority, Clarice Bachus, who first being duly sworn by me, deposes and says on oath that she is the Bookkeeper and Clerk for the Weekly Call, a weekly Newspaper published in said State and County, and that the notice, a true copy of which is hereto attached, was published in The Weekly Call, once a week for four consecutive weeks, commencing on the 8th day of June, 1935.

Clarice Bachus.

Subscribed and sworn to before me on this the 1st day of July, 1935.

Geo. M. Howle,
Notary Public.

(SEAL)

Also:

By Mr. Denson:

H. 789. To provide for and regulate the assessment, levy and collection of Municipal taxes of the city of Opelika, in Lee County, Alabama, and to define the duties of State, County and Municipal offices and officers in regard thereto, and to fix the tax year for the said city of Opelika, and to make the Tax Collector of Lee County, Alabama, ex-officio collector of property taxes for the said city of Opelika.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCTL LAW RELATING TO MUNICIPAL TAXES IN THE CITY OF OPELIKA, ALABAMA.

Notice is hereby given of the intention to apply to the Legislature of Alabama at its present session for the passage and enactment of a law to provide for and regulate the assessment, levy and collection of Municipal taxes of City of Opelika, in Lee County, Alabama, and to define the duties of State, County and Municipal offices in regard thereto, and to fix the tax year for said City of Opelika and to make the Tax Collector of Lee County ex officio collector of property taxes for said City of Opelika.

The substance of the proposed law is:

Sec. 1. To fix the tax year for the City of Opelika so that it will commence on the first day of October of each year and end on the 30th day of September in the succeeding year, and to provide that on and after October 1, 1936, Municipal taxes will be due City of Opelika for the tax year in advance on the first day of each tax year and be delinquent when State and County taxes for the next preceding tax year are delinquent.

Sec. 2. That City taxes payable for and during the Municipal tax year 1935 will be collected under existing laws, but from and after October 1, 1936 no Municipal property taxes shall be due or collectable except under the provisions of this Act.

Sec. 3. That the City Council during the month of May, 1936, and during the month of May each year thereafter shall levy a tax on property in the City for the next succeeding tax year on the value of property as assessed for State taxation as shown by the books of assessment for the State and County tax year ending September 30 next, succeeding the levy; the levy to go into effect on October 1, next, succeeding the levy and to be a lien on said October 1 next, succeeding the levy; a copy of the ordinance or resolution levying the tax shall be delivered to the Tax Assessor of Lee County on or before the first day of June next succeeding the levy, but if the City Council fail in any year after 1936 to make such levy or to give copy of ordinance or resolution to the Tax Assessor, then the levy for the preceding year shall be continued and the taxes be assessed in accordance with such levy.

Sec. 4. That the Tax Collector of Lee County shall, on and after October 1, 1936 be ex officio Tax Collector of property taxes for Opelika at the same time and in the same manner, and under the same laws that State and County taxes are collected.

Sec. 5. That from and after October 1, 1936, the City of Opelika shall have a lien, subject to the lien of the State and County for their taxes upon the first day of October of each Municipal tax year hereunder, upon all property subject to taxation in Opelika for the payment of Municipal taxes for that year, said lien to have priority over all other liens except those of the State and County for their taxes, and to exist as to all land bid in by the State at tax sales for the annual tax thereafter assessed on property so purchased in the event of tax title failing.

Sec. 6. That the Tax Assessor of Lee County on and after October 1, 1935 shall show on assessment lists made up each year thereafter the property on said lists situated in the City of Opelika, and ascertain the value of each item of such property separately from the value of each item of property in Lee County in such way to make easy ascertainment the assessed value of the property within the City of Opelika.

Sec. 7. In preparing the form of assessment blank or return blank, and other forms for use by the Tax Assessor of Lee County, the State Tax Commission shall provide for the indication and statement of properties subject to taxation in the City of Opelika.

Sec. 8. After the first day of October, 1935, the books and records required to be made by the County Tax Assessor of Lee County shall show property subject to Municipal taxes in Opelika, the amount of City taxes charged to each tax payer in the City of Opelika.

Sec. 9. After taxes have been levied by the City Council and certified to the Tax Assessor of Lee County, the Tax Assessor must compute the amount of taxes at the rate levied by the City Council and enter the same in the books of assessments for the then current State tax year and foot up the same.

Sec. 10. The presiding officer of the Court of County Commissioners or other like body required to make certificates in regard to State and County taxes shall embrace in such certificate a statement in substance as follows: "The amount of Municipal taxes for the City of Opelika for the next Municipal tax year is \$ _____, the total amount, and this certificate shall be a warrant to the Tax Collector of Lee County to proceed to collect such Municipal taxes in the manner directed by law when due."

Sec. 11. The Tax Collector when he collects taxes shall embrace in his receipt a statement of the amount of City of Opelika taxes, if any, paid on real estate and on personal property, with interest paid, if any, such receipt to be prima facie evidence of full payment by the tax payer.

Sec. 12. The Lee County Tax Collector in making the monthly report required of him by law in regard to State and County taxes shall embrace a

statement showing the amount of City of Opelika taxes collected by him, and a copy of his report shall by him be sent to the Mayor of the City of Opelika, and within five days after making the report, the Collector must pay to the City of Opelika the taxes theretofore collected by him for it.

Sec. 13. The Lee County Tax Collector must before July of each year make final settlement under oath with the City of Opelika, and then pay over to it the balance of City taxes due from him, and not theretofore paid.

Sec. 14. The Lee County Tax Collector shall not be required to keep a separate account of any special taxes collected for the City of Opelika, but shall keep such account only in gross of the total tax levied by the City of Opelika. If any part of such tax for the City of Opelika is set apart for a special purpose the City of Opelika, or its Treasurer or Clerk shall keep a separate account thereof as required by law.

Sec. 15. The Court of County Commissioners, or other body of like jurisdiction shall credit the Tax Collector with City taxes shown in the list of insolvent taxes, and of taxes in litigation.

Sec. 16. On allowance and credit to the Tax Collector of Lee County of insolvent, taxes and taxes in litigation, the Court of County Commissioners shall in behalf of the City of Opelika state a new account against the Tax Collector for the amounts of such credits in like manner in regard to such taxes for the State and County, and the County Tax Collector shall remain charged with such sums until discharged under the provisions of law.

Sec. 17. Presiding officers of the County Court of Commissioners or body of like jurisdiction shall embrace in the list of insolvent taxes furnished to the County Collector under the provisions of law, the name of each insolvent tax payer of the City of Opelika, taxes, the amount thereof and costs, if any, due from the insolvent to said City.

Sec. 18. The Lee County Tax Collector shall collect insolvent taxes and make monthly reports, payment, and settlement of the City of Opelika taxes in like manner as in regard to State and County taxes.

Sec. 19. The County Tax Collector when making final report of uncollected balances of insolvent taxes as to State and County taxes shall embrace as a part of his report the uncollected balance of insolvent City of Opelika taxes, and taxes in litigation.

Sec. 20. The Lee County Tax Collector shall embrace in the docket of lands made by him under the provisions of law in regard to State and County taxes the amounts due the City of Opelika, both from known and unknown owners, stating the Municipal tax year for which the taxes are due.

Sec. 21. Decrees for sales of property rendered by the Probate Judge of Lee County shall embrace taxes due to the City of Opelika, where the property is located in the City of Opelika.

Sec. 22. A certificate of sale by the Lee County Tax Collector of the property in Opelika shall embrace the amount of taxes due the City of Opelika on such property.

Sec. 23. In case of appeal by the State from a tax sale decree, the appeal shall be in behalf of the City of Opelika.

Sec. 24. The Judge of Probate of Lee County in executing to a purchaser a tax deed to property in Opelika shall convey to the purchaser the lien and claim of the City of Opelika, as well as the State and County.

Sec. 25. From and after the first of October 1935, the Lee County Tax Assessor shall calculate and enter the taxes due the City of Opelika in the descriptive lists coming to him under and in accordance with the provisions of law in regard to State and County taxes, and all provisions, proceedings, and requirements as to State and County taxes shall be applicable to the City of Opelika.

Sec. 26. An invalid tax sale shall pass to the purchaser the lien of the City of Opelika as to taxes paid by such purchaser at the sale and as to taxes subsequently paid by the purchaser.

Sec. 27. The Judge of Probate at the time he remits to State Treasurer and County Treasurer redemption money under the provisions of law in regard to State and County taxes shall also pay to the City of Opelika the proportion of redemption money, if any, belonging to it, and all provisions of law in regard to such matters as to State and County taxes shall be applicable to the City of Opelika taxes.

Sec. 28. The State Auditor shall enter in books prepared at his direction under the requirements of law in regard to State and County taxes the amount of taxes due the City of Opelika on property described in his books, in the same manner as he is required to enter the amount of State and County taxes thereon, and in making sales of said property, the amount for which the property is sold shall not be less than the whole amount of taxes including City of Opelika taxes, interest, costs, and officer's fees as provided for and required to be paid in case of redemption of lands from tax sales.

Sec. 29. When lands in the City of Opelika bid in by the State at a tax sale have been sold the State Auditor shall draw his warrant on the State Treasurer in favor of the City for the amount the City is entitled to and forward the same to the City.

Sec. 30. When land in the City of Opelika, bid in at a tax sale by the State has been sold by the State, and the State refunds taxes on account of an invalid sale, the Auditor shall ascertain the amount of the purchase money theretofore paid to the City of Opelika, if any, certify the same to the Mayor, and thereupon the Mayor shall present the claim to the City Council which shall order issuance of a warrant payable to the State for the amount shown to be due the State, which warrant shall be forthwith delivered to the State Treasurer, notice thereof being given to the State Auditor.

Sec. 31. When the Judge of Probate cancels a tax sale to a private purchaser in accordance with law as to State and County taxes, he shall give to the purchaser a certificate to the Mayor of Opelika, if the property lies in Opelika, showing the amount of City taxes received by the City from the tax sale, and upon delivery of that certificate to the Mayor, he shall present to the City Council, which shall refund the amount thereof to the purchaser.

Sec. 32. Where, through mistake or error in collection of any tax has been paid to the City through the County Tax Assessor that was not due, any person or his agent, or heirs, or personal representative of the person who paid the tax may file a petition with the City Council asking that a warrant be drawn in his favor, payable by the City, and the Council shall examine into the facts and evidence offered by the petitioner, and if proper and full proof is made, the Council shall allow the claim and refund the money.

Sec. 33. Laws now and hereafter existing in regard to collection of State and County taxes, the procedure with reference thereto, and enforcement of collection shall apply to the City of Opelika taxes, except as such laws are changed by or in conflict with the provisions of this Act, and the County Tax Collector shall collect or enforce collection of City of Opelika taxes at the same time and in the manner and as a part of one and the same transaction as the collection of State and County taxes, and all procedure incident to or in any wise connected with the collection of State and County taxes shall be equally applicable to the collection of City of Opelika taxes.

Sec. 34. The official bond of Judge of Probate of Lee County and of the Tax Assessor and Tax Collector of Lee County shall be and be held to be for the protection of City of Opelika for the faithful discharge of the duties of such officers to the City of Opelika in the same manner and in the same way as they are for the protection of the State of Alabama and the County of Lee.

Sec. 35. The Tax Assessor of Lee County shall be entitled to receive as his full compensation for all duties to be performed with reference to the City of Opelika taxes an amount equivalent to one half of one percent of all taxes collected for the City of Opelika in each tax year.

Sec. 36. The Tax Collector of Lee County shall be entitled to receive as full compensaiton of all duties performed by him with reference to City of Opelika taxes an amount equivalent to one half of one percent of all taxes collected for the City of Opelika for each year.

Sec. 37. The Judge of Probate of Lee County shall be entitled to commissions at the rate of 2½% on money received by him for the use of Opelika on redemptions from tax sales.

THE STATE OF ALABAMA, LEE COUNTY

Before me, the undersigned authority, personally appeared W. C. Wear, Business Manager of the Opelika Daily News, a newspaper published in said county, who being first duly sworn deposes and says, that the foregoing notice or advertisement has been regularly published once a week for four consecutive weeks in said paper, said advertisement appearing therein on June 14th, June 21st, June 28th, and July 4th, 1935.

W. C. Wear.

Sworn to and subscribed before me this 5th day of July, 1935.

Juanita Moring..

Also:

By Mr. Dominick:

H. 807. For the relief of J. F. King, the former Sheriff of Tuscaloosa County, Alabama, authorizing and directing payment or refund by the Board of Revenue of Tuscaloosa County, Alabama, out of the general fund of Tuscaloosa County, Alabama, to said J. F. King of the sum of Three Hundred Sixteen and 50/100 (\$316.50) Dollars, which was paid by him as such Sheriff for furnishing a bailiff for the Inferior Court of Tuscaloosa County, for the services of such bailiff, under the Act approved August 3, 1927, and entitled "An Act to establish a court of record in Tuscaloosa County, Alabama, to be known as the Inferior Court of Tuscaloosa County, Alabama," and which amount of \$316.50 the said J. F. King, while Sheriff of Tuscaloosa County, Alabama, was compelled to repay to Tuscaloosa County, and to provide for the repeal of all laws and parts of laws in conflict with the provisions of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice s hereby given that application will be made to the Legislature of Alabama, at its present session of 1935, for the enactment of a local law for Tuscaloosa County, Alabama, in substance as follows:

Section 1: That the Board of Revenue of Tuscaloosa County, Alabama, be, and it hereby is, authorized, empowered and directed to refund out of the general fund of Tuscaloosa County Alabama, to J. F. King, who was sheriff of Tuscaloosa County Alabama, the sum of Three Hundred Sixteen and 50-100

(\$316.50) Dollars, which was paid to him as such sheriff for furnishing a bailiff for the Inferior Court of said Tuscaloosa County for the services of such bailiff, under the act approved August 3, 1927, and entitled "An act to establish a Court of Record in Tuscaloosa County, Alabama, to be known as the Inferior Court of Tuscaloosa County, Alabama, and which amount of \$316.50 the said J. F. King, while sheriff of Tuscaloosa County, Alabama, was compelled to repay to Tuscaloosa County.

Section 2. That all laws and parts of laws in conflict with the provisions of this act be, and hereby are repealed.

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz, April 22, 29, May 6, 13, 1935.

Bruce Shelton,
Publisher.

Subscribed and sworn to before me on this the 13th day of May, 1935.

Lilla Collins,
Notary Public.

(SEAL)

Also:

By Mr. Sanderson:

H. 811. Declaring a State and National Emergency to exist affecting the service trades within the State of Alabama, declaring the necessity for ordinances providing for fair competition among service trade; declaring this Act and emergency measure; authorizing the governing bodies of all cities of this State whose population is not less than 60,000 nor more than 300,000 according to the last or any subsequent Federal census to enact or repeal such ordinances providing for fair competition among those trades wherein services are rendered to the public without the sale of merchandise as such except as a mere incident to such service; providing for the application to the governing bodies of such cities for the establishment of ordinances providing for fair competition, and providing a penalty for violation of provision of ordinances so adopted.

Also:

By Mr. Robertson (Cullman):

H. 830. To require the Court of County Commissioners, or like governing body of Cullman County, to appropriate annually out of the general fund of the County a sum not less than Five Thousand (\$5,000.00) Dollars; such sum to be a preferred claim and payable to the budget of the Cullman County Health Department for the establishment, maintenance and operation of a health department in said county.

With notice and proof thereto attached and herewith exhibited as follows:

Take notice that the following bill will be introduced and passed at the 1935 session of the Legislature of Alabama.

A BILL TO BE ENTITLED AN ACT

To require the Court of County Commissioners, or like governing body of Cullman County, to appropriate annually out of the general fund of the County a sum not less than five thousand (\$5,000.00) dollars; such sum to be a preferred claim and payable to the budget of the Cullman County Health Department for the establishment, maintenance and operation of a health department in said county.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Court of County Commissioners, or like governing body, of Cullman County, shall appropriate annually a sum not less than five thousand (\$5,000.00) dollars, which shall be used for the purpose of establishing, maintaining and operating a health department in the county; said funds to be a preferred claim on the general fund of the county and payable in monthly installments to the budget of the Cullman County Health Department, and shall be paid out, by or under the direction of the State Board of Health, as other claims are paid out of said budget.

Section 2. All laws or parts of laws both local and general in conflict with the provisions of this act are hereby repealed insofar as they relate to Cullman County.

Section 3. This Act shall become effective immediately upon its passage and approval by the governor.

THE STATE OF ALABAMA,
CULLMAN COUNTY.

Before me, Homer F. Mitchell, a Judge of Probate in and for said County and State, personally appeared J. C. Norwood, Publisher of The Cullman Tribune, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week, for four successive weeks and being in the issues of said newspaper of the following dates, viz: July 4, 11, 18 and 25, 1935.

J. C. Norwood,
Publisher.

Sworn to and subscribed before me this the 26 day of July, 1935.

Homer F. Mitchell,
Judge of Probate.

Also:

By Mr. Tolbert:

H. 831. To Amend Section Three (3), Four (4), and Seven (7) of An Act Entitled An Act To Provide for the Election of a County Superintendent of Education For DeKalb County, Alabama, to fix his term of office, to provide his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office, approved September 19, 1923, Local Acts of Alabama, pages 211-212, 1923.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL ACT

Notice is hereby given that a bill will be introduced in the present session of the Legislature to amend certain sections of the Local Law providing for the election of a County Superintendent of Education for DeKalb County, Alabama, approved September 19, 1923. Such amendments will deal with Sections 3, 4, and 7, and others as may be deemed expedient and necessary.

This is to certify that the attached copy of notice of publication appeared in The Fort Payne Journal, Fort Payne, DeKalb County, Alabama in the issues dated February 20, February 27, March 6, and March 13, 1935.

E. O. Davidson,
Editor.

Sworn to and subscribed before me this the 30th day of July, 1935.

(SEAL)

Ozelle Green,
Notary Public.

Also:

By Mr. Byars:

H. 840. To provide for an election to submit to the qualified electors of Lawrence County for their approval or rejection a proposal to issue bonds in an amount not exceeding \$130,000 for the purpose of constructing and equipping a courthouse and jail building for said county; and to levy and collect taxes on all taxable property in said county at a rate not exceeding three mills, to provide (a fund) for the payment of said indebtedness and the interest thereon; and to provide for the issuance of said bonds and the levy of said tax over a period not exceeding twenty-five (25) years, in the event said proposal is approved by the majority voting in said election; and to provide for the construction and equipping of said courthouse and jail building.

With notice and proof thereto attached and herewith exhibited as follows:

THE MOULTON ADVERTISER

MOULTON, ALABAMA

NOTICE

Notice is hereby given that a bill will be offered and its adoption sought at the present session of the Legislature to provide for an election to submit to the qualified electors of Lawrence County for their approval or rejection a proposal to issue bonds in an amount not exceeding \$130,000 for the purpose of constructing and equipping a court house and jail building for said county; and to levy and collect taxes on all taxable property in said county at a rate not exceeding three mills, to provide a fund for the payment of said indebtedness and the interest thereon; and to provide for the issuance of said bonds and the levy of said tax over a period of not exceeding twenty-five (25) years, in the event the said proposal is approved by the majority voting in said election; and to provide for the construction and equipping of said court house and jail building.

5-15-4

J. D. L. Byars.
Moulton, Ala., 7-29-1935.

THE STATE OF ALABAMA, LAWRENCE COUNTY.

Before me, R. C. Jackson, a Notary Public in and for said state and county, on this day personally appeared Clark Hodgins, who being sworn in due form of law says, that he is Editor of The Moulton Advertiser, a weekly newspaper published in Moulton, Lawrence County, Alabama, and as such

Editor he published in said newspaper the attached notice for 4 consecutive weeks beginning May 16, 1935, an ending June 6, 1935, as required by law.

Clark Hodgins,
Editor.

Sworn to and subscribed before me this the 29 day of July, 1935.

(SEAL)

R. C. Jackson,
Notary Public.

Also:

By Mr. Langdon:

H. 848. To provide compensation for the members of the Commissioners Court of Pickens County, Alabama, and to limit the number of days per month they may draw the same, and repeal all laws and parts of laws in conflict therewith.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PUBLICATION

Notice is hereby given that the following proposed bill will be introduced in the present session of the Alabama legislature.

AN ACT

Entitled an act to provide compensation for members of the Commissioners Court of Pickens County, Ala., and to limit the number of days per month they may draw the same, and repeal all laws and parts of laws in conflict therewith.

Be it Enacted by the Legislature of Alabama:

Section 1. That each member of the County Court of Commissioners of Pickens County, Ala., shall be paid out of the county treasury the sum of \$3.00 per day while occupied in the discharge of their duties as such member of the court of county commissioners of Pickens County, Alabama, and five cents a mile in going to and returning from their respective courts, and the sum of \$3.00 per day while occupied in the discharge of their duties in letting out, inspecting and accepting, building or repairing, of any county bridge, public roads, county buildings or works, and five cents a mile for each mile necessarily traveled by them in performing said duties, the sums to be paid on warrants drawn by Probate Judge on the county treasurer on the order of the court of county commissioners; but no allowance shall be made for more than ten days in any one month to any member of said court of county commissioners, unless upon a specific order made by said court at the next preceding term of said court.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed insofar as they effect Pickens County, Alabama.

Section 3. This act shall become effective immediately upon its passage.

Robert Langdon,
Member House of Representatives.

PROOF OF PUBLICATION

THE STATE OF ALABAMA }
PICKENS COUNTY }

Before me, B. G. Robison, Judge of the Court of Probate for said County, personally appeared Jack P. Pratt, Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published

once a week for four consecutive weeks in said paper in issues dates as follows: January 17, 1935; January 24, 1935; February 1, 1935; February 8, 1935.

Jack M. Pratt.

Subscribed and sworn to before me, this the 27th day of July, 1935.

B. G. Robison,
Judge of Probate.

Also:

By Mr. Langdon:

H. 849. To provide for the Nomination of Members of the Court of County Commissioners of Pickens County, Alabama, in Primary elections; To provide for the manner of their elections, and to fix the residences of said County Commissioners.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that there will be introduced during the present or adjourned session of the Alabama Legislature a bill in substance as follows:

A Bill to be entitled an act—To provide for the election of the member of the Court of County Commissioners by the qualified voters of each respective commissioners district, in Pickens County, Ala.

Robert Langdon,
Member Legislature.

PROOF OF PUBLICATION

THE STATE OF ALABAMA }
PICKENS COUNTY }

Before me, B. G. Robison, Judge of the Court of Probate for said County, personally appeared Jack P. Pratt, Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dates as follows: June 6th, 1935; June 13th, 1935; June 20th, 1935; June 27th, 1935.

Jack M. Pratt.

Subscribed and sworn to before me, this the 9th day of July, 1935.

B. G. Robison,
Judge of Probate.

Also:

By Mr. Langdon:

H. 850. To provide for the election of the County Superintendent of Education for Pickens County, Alabama, by the qualified voters of said County, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties and to provide for the election of his successor in office.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PUBLICATION

Notice is hereby given that there will be introduced during the present session or adjourned session of the Legislature of Alabama—A Bill in substance as follows:

A BILL TO BE ENTITLED AN ACT—To provide for the election of a County Superintendent of Education for Pickens County, Ala., by the qualified voters of said county, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties and to provide for the election of his successor in office.

Robert Langdon,
Member Legislature.

PROOF OF PUBLICATION

THE STATE OF ALABAMA, }
PICKENS COUNTY, }

Before me, B. G. Robison, Judge of the Court of Probate for said County, personally appeared Jack M. Pratt, Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four (4) consecutive weeks in said paper in issues dates as follows: June 6th, 1935; June 13th, 1935; June 20th, 1935; June 27th, 1935.

Jack M. Pratt,

Subscribed and sworn to before me, this the 9th day of July, 1935.

B. G. Robison,
Judge of Probate.

Also:

By Mr. Buffington:

H. 851. To prescribe the duties and fix the compensation of the Deputy Solicitor for St. Clair County, Alabama, and to repeal all laws and parts of laws in conflict with this Act.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Notice is hereby given that a bill substantially as follows will be introduced at the present session of the Legislature of Alabama, for passage or enactment into law.

A BILL TO BE ENTITLED AN ACT

To prescribe the duties and fix the compensation of the Deputy Solicitor for St. Clair County, Alabama, and to repeal all laws and parts of laws in conflict with this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of the Deputy Solicitor for St. Clair County, Alabama, be, and the same is hereby fixed at \$1200 per annum, payable in equal installments and the Probate Judge of St. Clair County, Alabama, is hereby directed to issue a warrant on the Treasury of St. Clair County, Alabama, payable to said Deputy Solicitor for such salary.

Section 2. The Deputy Solicitor of St. Clair County, Alabama, shall do and perform all the acts and duties as are now required of him, or as may hereafter be required of him as provided by law.

Section 3. All laws and parts of laws in conflict with this Act to be and the same are hereby repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor.

Dated May 27th, 1935.

L. W. Buffington.

STATE OF ALABAMA, }
SAINT CLAIR COUNTY. }

Before me, the undersigned authority in and for county and state, personally appeared B. B. Cather, who being by me first duly sworn, says that he is editor and publisher of the Southern Aegis, a newspaper published at Ashville, Alabama, in said county, and that the notice, a true copy of which is hereto attached was published in the said Southern Aegis, four consecutive weeks, in the issues of said paper of June 7, June 14, June 21 and June 28, 1935.

B. B. Cather,
Ed. So. Aegis.

Sworn to and subscribed before me this the 1st day of August, 1935.

(SEAL)

J. C. DuBois,
Notary Public.

Also:

By Mr. Goodwyn:

H. 870. To regulate further the financing of public improvements, to permit the reduction or abatement of assessments therefor in certain cases, to provide for the refunding of bonds issued therefor and to validate proceedings heretofore taken relating thereto in cities having a population of as many as fifty thousand and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 178, 580, 739, 747, 755, 757, 766, 787, 788, 789, 807, 830, 831, 840, 848, 849, 850, 851 and 870 to the Committee on Local Legislation.

H. 811 to the Committee on Municipalities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate.

By Mr. Wallace:

H. 545. To provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 545 to the Committee on Public Roads and Highways.

RESOLUTIONS

Mr. Dorsey offered the following Joint Resolution:

S. J. R. 96. WHEREAS, one of the last battles of the War between the States, an organized, important battle, in which there were engaged a large number of both Confederate and Federal soldiers, was fought on the hills overlooking the Chatahoochee River in Phenix City, Russell County, Alabama, April 16th, 1865, seven days after the surrender of General Robert E. Lee at Appomattox, and

WHEREAS, the said battlefield is still marked by breastworks and trenches, used at that time, and is a place of great natural beauty and is suitable for a National Park, and

WHEREAS, it is a policy of the government of the United States to mark and preserve places of interest and historical importance, and

WHEREAS, it would be fitting and proper to build on said battlefield a suitable memorial to the perpetual peace of the American Union, and

WHEREAS, Phenix City, Alabama is located on Road 80, near Fort Benning, Georgia, and Road 80 or Dixie Overland Highway, being one of the important national highways, reaching from coast to coast, and being open to traffic both winter and summer, and

the creation of such a park and the erection of such a memorial would be of interest to all people of the United States.

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Alabama, the House of Representatives of the State of Alabama, concurring herein, that the Congress of the United States be and it is hereby requested to appropriate sufficient funds to acquire said site in Phenix City, Russell County, Alabama, or such part thereof as deemed sufficient or needful, and provide or create on such site a National Park and build thereon a fit and proper memorial.

That the members of the House of Representatives from the State of Alabama and members of the United States Senate from the State of Alabama be and they are hereby requested to actively support such legislation as is necessary to establish, provide and create such National Park and build thereon such a memorial.

And on motion of Mr. Dorsey, the Rules were suspended and the Resolution adopted.

The Rules Committee reported the following Joint Resolution:

S. J. R. 97. RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Friday, August 16, 1935, at 10 A. M.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

By Mr. St. John:

S. 170. To define, incorporate, govern and regulate the business of county mutual fire, lightning and windstorm insurance companies.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Senate concurred in the following amendment by the House to S. 170, the title of which is set out in the foregoing Message from the House to-wit:

Amend section 17 Senate Bill 170 by adding at the end thereof, the following:

"The costs of said examinations by the Superintendent of Insurance, or other person appointed by him shall be borne by the Company examined.

Amend section 18 by adding at the end thereof the following:
 "The costs, fees and taxes named herein shall be in lieu of all other costs, fees and taxes now required, or which may hereafter be required by the laws of this State."

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Starnes	Weaver
Cook	McDowell	Stephens	Wellborn
Glover	Parrish	Swift	Woodall

—24

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Mr. Dorsey:

S. J. R. 96. Relative to requesting Congress to appropriate sufficient funds to acquire site in Phenix City, Russell County, Alabama, and provide or create a National Park and build thereon a memorial.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 197. To amend Section 3 of an Act entitled An Act "allowing boxing, sparring and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission," approved July 1, 1927, as amended by an Act entitled An Act to amend Section 3 of an Act entitled An Act "allowing boxing, sparring and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission," approved April 16, 1931.

Also:

H. 210. To define the obligation of newspaper employees when called upon to testify before any court, tribunal, commission or inquest.

Also:

H. 433. To amend Section 6105 of the Code of Alabama of 1923, by adding thereto the provision that the trial court shall retain jurisdiction of the cause to hear and determine motion for a new trial and to provide that any appeal shall raise the question of the correctness of the Court's ruling on the motion for a new trial.

Also:

H. 549. To regulate the issuance of warrants of arrest returnable to the Circuit Court or County Court of Escambia County, Alabama; and to provide that all such warrants of arrest issued by any Justice of the Peace or Notary Public having the jurisdiction of a Justice of the Peace in said County must bear the approval of the Circuit Solicitor or his deputy solicitor or the County Solicitor, after an investigation of the facts; and to provide penalties for making an arrest without a warrant bearing such approval.

Also:

H. 649. To abolish the fine and forfeiture fund of Escambia County, Alabama; to provide for the payment into the general fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Escambia County shall, in the future, be paid out of the general fund of said County; to fix the priorities of said claims; to provide for the registration of same; to regulate the payment of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

Also:

H. 734. To make it a misdemeanor to pursue, catch, take or kill, or attempt to pursue, catch, take or kill or hunt any wild animal, bird or game by the use of or while using any head-light or lighted device or light of any kind, in Baldwin County, and to prescribe the punishment therefor.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately

after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested:

H. J. R. 250. Endorsing Judge Leon McCord for Judge of the United States Court of Appeals.

E. F. Taylor,
Clerk.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Resolution, the title of which is set in the foregoing Message from the House.

RECESS

At 12:35 P. M., on motion of Mr. Dorsey, the Senate took a recess until 3 o'clock this afternoon.

THIRTY-NINTH DAY—AFTERNOON SESSION

Thursday, August 15th, 1935.

The Senate re-assembled at 3 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Russell	Thomas
Browder	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	McDowell	Stevens	Weaver
Dorsey	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—30

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Simpson:

S. 383. To provide for and submit to the qualified electors of the State of Alabama at an election to be held on the _____ day of _____, 1935, an amendment to the Constitution of Alabama, as follows: "The Courts of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, other than capital offenses, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot; for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for the expense of said election.

Committee on Constitution & Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Tucker:

S. 384. To amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 2377 of the Code of Alabama of 1923,' approved July 22, 1931," approved March 15, 1933.

Committee on Local Legislation.

By Mr. Woodall:

S. 385. To provide for the publication of a Code of Alabama and to provide for the appointment of a committee to contract for the compilation, codification, annotating, indexing, printing, binding and distributing of the public statutes of the State of Alabama of a general and permanent nature, and to provide for necessary appropriations therefor.

Committee on Finance and Taxation.

By Mr. Simpson:

S. 386. To create and establish a state adult probation department and a state probation commission, together with branches thereof and to describe the rights, powers and duties of said department and said commission and its branches; to provide for the appointment and term of office of its officers and fix the powers and duties thereof; to fix the salaries and compensation of the officials and employees of said department and commission and to provide for the expenses thereof; to provide regulations establishing the eligibility of cases for probation; to provide regulations for those placed on probation and to establish conditions upon which probation may be revoked, modified, extended or cancelled; to provide for the suspension of sentence by the criminal courts of this state, having original jurisdiction in criminal cases and to authorize such courts to remit such part of the punishment imposed

on those convicted in criminal cases and to further provide when this act shall become effective.

Committee on Judiciary.

By Mr. Simpson:

S. 387. To amend the title and Section 2 of an Act entitled, "An Act to authorize any county, incorporated city or town in the State of Alabama, subject to the limitations herein stated, to acquire by gift or purchase, to construct, reconstruct, to improve, to better or to extend and maintain and operate causeways, tunnels, viaducts, bridges and other crossings, highways, parks, parkways, airports, docks, piers, wharves, seaport or river terminals, hospitals, public markets, tennis courts, swimming pools, golf courses, stadiums, armories, auditoriums, and other public buildings of all kinds, incinerator plants, water systems, gas or electric heat, light or power systems for public and private uses, cold storage plants, cooling plants, sterilization plants, warehouses, graneries, and any other plants, works, machinery or equipment useful for the preservation or preparation of agricultural products for market or use and for the conversion of agricultural products into usable and marketable products, to authorize the issuance of Revenue Anticipation Bonds payable solely from the revenue of such undertakings to finance the same, providing for the payment of such bonds and the rights and remedies of the holders thereof and for the conditions and other provisions under which the same may be issued; and to authorize the fixing and collection of rates, fees, tolls, rents and other charges for the services facilities, and commodities afforded by such undertaking," known as House Bill No. 482, approved June 25, 1935.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Riddle:

S. 336. To amend the caption and Section 1, Section 2, Paragraph (d), Section 3, Section 6, Section 9, Section 11 and Section 16 of an Act entitled, "An Act to authorize the creation of the Rural Electrification Authority of Alabama for the purpose of promoting and encouraging the fullest possible use of electric energy in the State by making electric energy available to certain inhabitants of the State at the lowest cost consistent with sound economy and prudent management; authorizing the Authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation, transmission and distribution

of electric energy to carry out the purposes of this Act; providing for the rights, powers and duties of the Authority; authorizing and regulating the issuance of bonds by the Authority; and providing for the payment of such bonds and the rights of the holders thereof, approved February 7, 1935.

Mr. Woodall, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Carlton:

S. 71. To repeal Sections 405, 406, 407, 408, 409, 410, 411 and 412 of the Code of Alabama of 1923, and repeal an act entitled "An act to further regulate the voting of absentee ballots in the State of Alabama; to prohibit the Judges of Probate and other officers from handling absentee ballots in elections where such officers are candidates; to provide for and require election officers for handling and tabulating absentee ballots; to provide for the punishment of violations; and to repeal such parts of present laws as are in conflict herewith," approved April 19, 1933.

ADVERSE REPORT

Mr. Walton, Acting Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and they were placed on the adverse calendar, to-wit:

By Mr. Taylor:

S. 357. To amend Section 4 of an Act entitled "An Act to regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act entitled 'An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions

of this Act to the extent of such conflict or inconsistency." Approved October 6th, 1932.

By Mr. Taylor:

S. 359. To amend Section 3 of an Act entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carriers Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act," approved October 28, 1932.

BILLS ON THIRD READING

The bill:

S. 362. To create an Armory Commission for the State of Alabama and to authorize the persons named therein to form and organize a corporation to be known as the "Armory Commission of Alabama"; to specify and define its authority and duties; to authorize said Commission when incorporated to construct and maintain armories, drill and training areas for the National Guard and Naval Militia and their various units; to authorize municipalities, counties, the State and others to co-operate in and about the construction of armories, the providing of drill and training areas and to assist in paying therefor; to authorize municipalities and counties to convey to The Armory Commission of Alabama lands owned by them on which to construct such armories, whether such lands already be used for parks or other purposes; to authorize The

Armory Commission of Alabama to finance, or refinance armory buildings that have already been constructed, to finance the improvement of such armories, and to authorize The Armory Commission of Alabama to finance the construction of other or further or additional armories; and to authorize the Governor of Alabama, in his discretion, to use a part of any appropriation made for military purposes for the purpose of paying any deficit of principal or interest under any plan of financing or refinancing, adopted by The Armory Commission of Alabama for the financing, or refinancing, of armories already in existence, the construction of, improvements to or additions to, such armories already in existence and the construction of new and additional armories.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

—22

Nays:—None.

The bill:

S. 339. To cede to the United States of America exclusive jurisdiction over the Fort McClellan Military Reservation in Calhoun County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Walden
Carlton	Locke	St. John	Walton
Chesnut	Mixon	Starnes	Weaver
Dorsey	Mooneyham	Stephens	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle	Thomas	

—23

Nays:—None.

The bill:

H. 743. To amend Section 7 of an Act to provide for the subordinate officers and employees of the Legislature, including the Senate and the House of Representatives; to fix the number, their positions, terms of office and employment, and the mode of their selection or election; to fix the compensation of such subordi-

nate officers and employees, and to provide how and when such compensation shall be paid; providing clerical assistants to the Secretary of the Senate and the Clerk of the House after adjournment for the completion of the journals, and fixing the time for the filing of same in the office of the Secretary of State and delivery of copy thereof to the State Printer; providing for an information bureau for the members of the Legislature and the public, and providing duties for the Secretary of the Senate and the Clerk of the House of Representatives after adjournment, and to repeal an Act to amend Section 1530 of the Code of Alabama of 1923, approved January 27, 1927, also the Act to authorize the Senate and the House of Representatives of the Legislature of Alabama; to fix by resolution the per diem of the subordinate officers and employees of the respective Houses, and fix the expense allowances to the President Pro Tem of the Senate, approved February 20, 1931, and to repeal all laws and parts of laws in conflict herewith, approved March 8, 1933.

Was read a third time at length and passed.

Yeas, 20; Nays, 1.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Thomas
Browder	Kuykendall	Russell	Walden
Carlton	Mixon	Starnes	Weaver
Chesnut	Mooneyham	Stephens	Wellborn
Glover	Parrish	Taylor	Woodall

—20

Nay: Mr. Dorsey

—1

The bill, S. 173:

A BILL

To be entitled An Act to propose the amendment of Section 44 of Article IV of the Constitution of Alabama of 1901.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the first _____ next after the expiration of three months from the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

"Section 44 of Article IV of the Constitution of Alabama is amended to read as follows:

"Section 44. The legislative power of this State shall be vested in the Legislature, which shall consist of a Senate and a House of Representatives, but the people reserve to themselves power by petition (a) to propose general or local laws, amendments to the Constitution or ordinances for any county, municipality or other political subdivision of the State and to enact or reject the same at will, independently of the Legislature or of the governing body of any such county, municipality or other political subdivision, in the manner hereinbelow provided; (b) to repeal any provision of the Constitution, any act of the Legislature of Alabama or any ordinance of any county, municipality or other political subdivision of the State in the manner hereinbelow provided; and (c) to recall and vacate the office of any duly elected or appointed officer of the State or of any department of the State or of any county, municipality or political subdivision of the State in the manner hereinbelow provided.

"INITIATIVE

"The people reserve to themselves power by petition to propose an amendment to the Constitution, a general law, a local law, or an ordinance for any county, municipality or other political subdivision of the State and directly to enact or reject the same by vote. This power shall be known as the initiative.

"An initiative petition proposing an amendment to the Constitution or a general law shall contain the full text of the measure to be proposed and shall be signed by not less than twenty-five thousand qualified electors of the State.

"An initiative petition proposing a local law or an ordinance for any county, municipality or other political subdivision of the State shall contain the full text of the measure to be proposed and shall be signed by not less than ten per cent of the qualified electors of the county, municipality or political subdivision of the State which will be affected thereby.

"Any such petition shall be, with appropriate change in wording dependent upon the measure proposed, substantially as follows:

TO THE _____ OF _____
OF THE STATE OF ALABAMA:

We, the undersigned qualified electors of _____, Alabama, request you to call a special election for the purpose of allowing the qualified electors of _____ to vote upon the question of whether or not the following shall become an amendment to the Constitution, a law or ordinance of _____, Alabama.

(Here set out the proposed amendment, law or ordinance,
as the case may be.)

Name	Residence Address	Voting Precinct	District
------	-------------------	-----------------	----------

"The form of ballot at any election called pursuant to any such petition shall be, with appropriate change in wording dependent upon the measure proposed, as follows:

OFFICIAL BALLOT
SPECIAL INITIATIVE ELECTION
(Insert date here)

Month	Day	Year
-------	-----	------

Shall the following become an amendment to the Constitution,
a law or ordinance of _____?

(Here set out the proposed amendment, law or ordinance in full.)

Mark with a cross mark (X) in front of the word indicating
your will.

()	YES
()	NO

"REFERENDUM

"The people reserve to themselves power by petition to propose that any provision of the Constitution of Alabama or any measure enacted by the Legislature or by the governing body of any county, municipality or political subdivision of the State be repealed by vote. This power shall be known as the referendum.

"A referendum petition proposing the repeal of any provision of the Constitution of Alabama or of a general law shall contain the full text of the measure proposed to be repealed and shall be signed by not less than twenty-five thousand qualified electors of the State.

"A referendum petition proposing the repeal of any local law or of any ordinance of any county, municipality or political subdivision of the State shall contain the full text of the measure proposed to be repealed and shall be signed by not less than ten per cent of the qualified electors of the county, municipality or political subdivision of the State affected by the measure proposed to be repealed.

"Any such petition shall be, with appropriate change in wording dependent upon the measure repeal of which is proposed, substantially as follows:

TO THE _____ OF _____
OF THE STATE OF ALABAMA:

We, the undersigned qualified electors of _____,
Alabama, request you to call a special election for the purpose of
allowing the qualified electors of _____ to vote upon
whether or not the following provision of the Constitution, law
or ordinance of _____ shall be repealed.

(Here set out proposed provision of Constitution, law or
ordinance to be repealed.)

Name	Residence Address	Voting Precinct	District
------	-------------------	-----------------	----------

“The form of ballot at any election called pursuant to any such
petition shall be, (with appropriate change in wording dependent
upon the measure repeal of which is proposed,) as follows:

OFFICIAL BALLOT

SPECIAL REFERENDUM ELECTION

(Insert date here)

Month	Day	Year
-------	-----	------

Shall the following provision of the Constitution, law or ordi-
nance be repealed?

(Here set out provision of the Constitution, law or ordinance
it is proposed to repeal.)

Make cross (X) mark in front of the word indicating your will.

()	YES
-----	-----

()	NO
-----	----

“RECALL

“The people reserve to themselves the power by petition to
recall and vacate the office of any officer holding a State, county
or municipal office or an office in any department or political sub-
division of the State, whether by election or appointment, except
as hereinafter expressly provided, by vote. This power shall be
known as the recall.

“The recall petition proposing the recall and vacation of the
office of any officer of the State or of any department of the State
shall set out the name of the officer against which it is directed
and the official name of his office, and shall be signed by not less
than twenty-five thousand qualified electors of the State.

“A recall petition proposing the recall and vacation of office of any officer of any county, municipality or political subdivision of the State shall set out the name of the officer against whom it is directed and the official name of his office and shall be signed by not less than ten percent of the qualified electors of such county, municipality or political subdivision. Such petition shall be substantially as follows:

TO THE _____ OF _____
OF THE STATE OF ALABAMA:

We, the undersigned qualified electors of _____, Alabama, request you to call a special election for the purpose of allowing the qualified electors of _____ to vote upon whether or not the officer named below shall be recalled and his office vacated.

(Here set out name of officer and official name of his office)

Name	Residence Address	Voting Precinct	District
_____	_____	_____	_____

“The form of ballot at any election called pursuant to any such petition shall be as follows:

OFFICIAL BALLOT

SPECIAL RECALL ELECTION

(Insert date here)

	Month	Day	Year
Shall _____	_____	_____	_____
as _____	_____	_____	_____

be recalled and his office
of _____ be vacated?

Mark with a cross mark (X) in front of the word indicating your will.

()	YES
-----	-----

()	NO
-----	----

“No judge of a court of record shall be subject to such a recall.

“PETITIONS AND ELECTIONS THEREON

“Any of the petitions hereinabove provided for may be signed in any number of counterparts, which together shall be taken as the petition. No counterpart shall be signed by qualified electors in more than one county and the residence address, voting precinct and district of each party signing shall be placed opposite his or her signature on the petition to facilitate checking thereof.

“Each petition or counterpart thereof shall be filed with the Judge of Probate of the County in which the qualified electors signing the same reside and it shall be the duty of the Judge of Probate forthwith upon the filing of any such petition with him to cause the same to be checked against the official lists of qualified electors in his County and to indicate thereon the number of parties signing the same who are qualified electors in that County within fifteen days from the date of filing thereof. No charge shall be made with respect to the filing of any such petition or counterpart thereof or with respect to the checking thereof. Forthwith upon the completion of the check thereof by the Judge of Probate it shall be his duty to transmit the same, with his finding with respect to the number of qualified electors signing the same, to the Secretary of State with respect to any petition proposing an amendment to the State Constitution or a general law, the repeal of any provision of the State Constitution or the repeal of any general law, or the recall of any State officer or any officer of a department of the State, and within five days of receipt by him of counterparts of a petition with respect to any proposal containing, according to the findings of the respective Judges of Probate the signatures of the necessary number of qualified electors, provided a petition or counterpart petitions containing such necessary number of signatures have been so received by him within thirty days of the date of the filing of the first thereof in the office of any Judge of Probate, the Secretary of State shall certify to the Governor the fact that such petition has been received by him and contains the signatures of the necessary number of qualified voters to require action thereon. Forthwith upon such certification by the Secretary of State, the Governor shall give notice that the proposal therein contained shall be voted on at the next general election provided the next general election is to be held within ninety days from the date of such certification by the Secretary of State, and if no general election is to be held within ninety days, the Governor shall forthwith call a special election to vote upon the proposal therein contained to be held not more than ninety days and not less than sixty days after such certification by the Secretary of State in the manner provided for special elections by the laws of the State.

“If any petition for recall of the Governor is filed, the functions of the Governor with respect thereto shall be performed by the Lieutenant Governor. If any petition for recall of the Secretary of State is filed, the functions of the Secretary of State with respect thereto shall be performed by the Attorney General.

“Any petition and counterparts thereof proposing a local law or an ordinance of any county, municipality or political subdivision of the State, proposing the repeal of any local law or ordinance of

any county, municipality or political subdivision of the State, or proposing the recall of any officer of any county, municipality or political subdivision of the State shall be likewise checked without charge for filing or checking by the Judge of Probate with whom such petition is filed. His findings with respect to the number of qualified electors signing the same shall be noted thereon and he shall file the same with the election official or officials of the political subdivision affected thereby if the same contain the signatures of the necessary number of qualified electors of such political subdivision. Forthwith upon the filing of same with such election official or officials, it shall be the duty of such election official or officials to provide for voting upon the same at the next general election if such next general election shall be held within ninety days from the date of the filing thereof with such election official or officials, or if there be no general election within such ninety days, then to call and provide for a special election thereon to be held not more than ninety days and not less than sixty days' after the filing thereof with such election official or officials by the Judge of Probate. Any such special election shall be called and held as provided by general or local law for special elections in the political subdivision affected. In the event a petition for recall of such election official or officials be filed, the Judge of Probate shall perform the functions with respect thereto of such election official or officials. In the event a petition for recall of the Judge of Probate is filed, the functions of the Judge of Probate with respect thereto shall be performed by the presiding judge of the Circuit Court of the County in which such petition is filed.

"Notice of any election pursuant to any such petition proposing an amendment to the Constitution or the repeal of any provision of the Constitution shall be published in the manner provided by the Constitution for the publication of notices of proposals to amend the Constitution or repeal any provision thereof made by act of the Legislature. Notice of any other election upon any such petition shall be published, if with respect to a county, municipality or political subdivision or an official of a county, municipality or political subdivision, at least one time in a newspaper of general circulation in such county, municipality or political subdivision not less than thirty days and not more than forty-five days prior to said election, and if with respect to a general law or a State official or an official of a department of the State one time in one newspaper of general circulation in each county of the State not less than thirty days and not more than forty-five days prior to said election.

"The votes cast at any election upon any such petition shall be canvassed, tabulated, and returns made thereof and the result thereof proclaimed in the same manner and by the same officials as provided for with respect to elections of a member of the Legisla-

ture in case of amendment to the Constitution or the repeal of any provision thereof, a general law or the repeal of a general law, or the recall of a State official or an official of any department of the State, and if the proposal carries the measure or act proposed shall become effective forthwith upon proclamation thereof by the Governor, whose duty it shall be to proclaim the same within five days of the determination of the official result of such election, and in the case of a local law or an ordinance of any county, municipality or political subdivision or the repeal thereof or the recall of an official of any county, municipality or political subdivision, it shall become effective upon proclamation thereof by the governing body of the political subdivision affected, whose duty it shall be to proclaim the same within five days of the determination of the official result of such election.'"

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz:

"Shall Section 44 of Article IV of the Constitution of Alabama of 1901 be amended to read as follows:

" 'Section 44. The legislative power of this State shall be vested in the Legislature, which shall consist of a Senate and a House of Representatives, but the people reserve to themselves power by petition (a) to propose general or local laws, amendments to the Constitution or ordinances for any county, municipality or other political subdivision of the State and to enact or reject the same at will, independently of the Legislature or of the governing body of any such county, municipality or other political subdivision, in the manner hereinbelow provided; (b) to repeal any provision of the Constitution, any act of the Legislature of Alabama or any ordinance of any county, municipality or other political subdivision of the State in the manner hereinbelow provided; and (c) to recall and vacate the office of any duly elected or appointed officer of the State or of any department of the State or of any county, municipality or political subdivision of the State in the manner hereinbelow provided.

" 'INITIATIVE

" 'The people reserve to themselves power by petition to propose an amendment to the Constitution, a general law, a local law, or an ordinance for any county, municipality or other political sub-

division of the State and directly to enact or reject the same by vote. This power shall be known as the initiative.

“An initiative petition proposing an amendment to the Constitution or a general law shall contain the full text of the measure to be proposed and shall be signed by not less than twenty-five thousand qualified electors of the State.

“An initiative petition proposing a local law or an ordinance for any county, municipality or other political subdivision of the State shall contain the full text of the measure to be proposed and shall be signed by not less than ten per cent of the qualified electors of the county, municipality or political subdivision of the State which will be affected thereby.

“Any such petition shall be, with appropriate change in wording dependent upon the measure proposed, substantially as follows:

TO THE _____ OF _____
OF THE STATE OF ALABAMA:

We, the undersigned qualified electors of _____, Alabama, request you to call a special election for the purpose of allowing the qualified electors of _____ to vote upon the question of whether or not the following shall become an amendment to the Constitution, a law or ordinance of _____, Alabama.

(Here set out the proposed amendment, law or ordinance, as the case may be.)

Name	Residence Address	Voting Precinct	District
_____	_____	_____	_____

“The form of ballot at any election called pursuant to any such petition shall be, with appropriate change in wording dependent upon the measure proposed, as follows:

OFFICIAL BALLOT
SPECIAL INITIATIVE ELECTION

(Insert date here)

Month Day Year

Shall the following become an amendment to the Constitution, a law or ordinance of _____?

(Here set out the proposed amendment, law or ordinance in full.)

Mark with a cross mark (X) in front of the word indicating your will.

()	YES
()	NO

"REFERENDUM

"The people reserve to themselves power by petition to propose that any provision of the Constitution of Alabama or any measure enacted by the Legislature or by the governing body of any county, municipality or political subdivision of the State be repealed by vote. This power shall be known as the referendum.

"A referendum petition proposing the repeal of any provision of the Constitution of Alabama or of a general law shall contain the full text of the measure proposed to be repealed and shall be signed by not less than twenty-five thousand qualified electors of the State.

"A referendum petition proposing the repeal of any local law or of any ordinance of any county, municipality or political subdivision of the State shall contain the full text of the measure proposed to be repealed and shall be signed by not less than ten per cent of the qualified electors of the county, municipality or political subdivision of the State affected by the measure proposed to be repealed.

"Any such petition shall be, with appropriate change in wording dependent upon the measure repeal of which is proposed, substantially as follows:

TO THE _____ OF _____
OF THE STATE OF ALABAMA:

We, the undersigned qualified electors of _____, Alabama, request you to call a special election for the purpose of allowing the qualified electors of _____ to vote upon whether or not the following provision of the Constitution, law or ordinance of _____ shall be repealed.

(Here set out proposed provision of Constitution, law or ordinance to be repealed.)

Name	Residence Address	Voting Precinct	District
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"The form of ballot at any election called pursuant to any such petition shall be, with appropriate change in wording dependent upon the measure repeal of which is proposed, as follows:

OFFICIAL BALLOT
SPECIAL REFERENDUM ELECTION

(Insert date here)

Month Day Year

Shall the following provision of the Constitution, law or ordinance be repealed?

(Here set out provision of the Constitution, law or ordinance it is proposed to repeal.)

Make cross (X) mark in front of the word indicating your will.

()	YES
()	NO

“RECALL

“The people reserve to themselves the power by petition to recall and vacate the office of any officer holding a State, county or municipal office or an office in any department or political subdivision of the State, whether by election or appointment, except as hereinafter expressly provided, by vote. This power shall be known as the recall.

“The recall petition proposing the recall and vacation of the office of any officer of the State or of any department of the State shall set out the name of the officer against which it is directed and the official name of his office, and shall be signed by not less than twenty-five thousand qualified electors of the State.

“A recall petition proposing the recall and vacation of office of any officer of any county, municipality or political subdivision of the State shall set out the name of the officer against whom it is directed and the official name of his office and shall be signed by not less than ten per cent of the qualified electors of such county, municipality or political subdivision. Such petition shall be substantially as follows:

TO THE _____ OF _____
OF THE STATE OF ALABAMA:

We the undersigned qualified electors of _____, Alabama, request you to call a special election for the purpose of allowing the qualified electors of _____ to vote upon whether or not the officer named below shall be recalled and his office vacated.

(Here set out name of officer and official name of his office)

Name	Residence Address	Voting Precinct	District
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"The form of ballot at any election called pursuant to any such petition shall be as follows:

OFFICIAL BALLOT

SPECIAL RECALL ELECTION

(Insert date here)

	Month	Day	Year
Shall			

as _____ of _____ be recalled and his office be vacated?

Mark with a cross mark (X) in front of the word indicating your will.

()	YES
-----	-----

()	NO
-----	----

"No judge of a court of record shall be subject to such a recall.

"PETITIONS AND ELECTIONS THEREON

"Any of the petitions hereinabove provided for may be signed in any number of counterparts, which together shall be taken as the petition. No counterpart shall be signed by qualified electors in more than one county and the residence address, voting precinct and district of each party signing shall be placed opposite his or her signature on the petition to facilitate checking thereof.

"Each petition or counterpart thereof shall be filed with the Judge of Probate of the County in which the qualified electors signing the same reside and it shall be the duty of the Judge of Probate forthwith upon the filing of any such petition with him to cause the same to be checked against the official lists of qualified electors in his County and to indicate thereon the number of parties signing the same who are qualified electors in that County within fifteen days from the date of filing thereof. No charge shall be made with respect to the filing of any such petition or counterpart thereof or with respect to the checking thereof. Forthwith upon the completion of the check thereof by the Judge of Probate it shall be his duty to transmit the same, with his finding with respect to the number of qualified electors signing the same, to the Secre-

tary of State with respect to any petition proposing an amendment to the State Constitution or a general law, the repeal of any provision of the State Constitution or the repeal of any general law, or the recall of any State officer or any officer of a department of the State, and within five days of receipt by him of counterparts of a petition with respect to any proposal containing, according to the findings of the respective Judges of Probate the signatures of the necessary number of qualified electors, provided a petition or counterpart petitions containing such necessary number of signatures have been so received by him within thirty days of the date of the filing of the first thereof in the office of any Judge of Probate, the Secretary of State shall certify to the Governor the fact that such petition has been received by him and contains the signatures of the necessary number of qualified voters to require action thereon. Forthwith upon such certification by the Secretary of State, the Governor shall give notice that the proposal therein contained shall be voted on at the next general election provided that the next general election is to be held within ninety days from the date of such certification by the Secretary of State, and if no general election is to be held within ninety days, the Governor shall forthwith call a special election to vote upon the proposal therein contained to be held not more than ninety days and not less than sixty days after such certification by the Secretary of State in the manner provided for special elections by the laws of the State.

“If any petition for recall of the Governor is filed, the functions of the Governor with respect thereto shall be performed by the Lieutenant Governor. If any petition for recall of the Secretary of State is filed, the functions of the Secretary of State with respect thereto shall be performed by the Attorney General.

“Any petition and counterparts thereof proposing a local law or an ordinance of any county, municipality or political subdivision of the State, proposing the repeal of any local law or ordinance of any county, municipality or political subdivision of the State, or proposing the recall of any officer of any county, municipality or political subdivision of the State shall be likewise checked without charge for filing or checking by the Judge of Probate with whom such petition is filed. His findings with respect to the number of qualified electors signing the same shall be noted thereon and he shall file the same with the election official or officials of the political subdivision affected thereby if the same contain the signatures of the necessary number of qualified electors of such political subdivision. Forthwith upon the filing of same with such election official or officials, it shall be the duty of such election official or officials to provide for voting upon the same at the next general

election if such next general election shall be held within ninety days from the date of the filing thereof with such election official or officials, or if there be no general election within such ninety days, then to call and provide for a special election thereon to be held not more than ninety days and not less than sixty days after the filing thereof with such election official or officials by the Judge of Probate. Any such special election shall be called and held as provided by general or local law for special elections in the political subdivision affected. In the event a petition for recall of such election official or officials be filed, the Judge of Probate shall perform the functions with respect thereto of such election official or officials. In the event a petition for recall of the Judge of Probate is filed, the functions of the Judge of Probate with respect thereto shall be performed by the presiding judge of the Circuit Court of the County in which such petition is filed.

“Notice of any election pursuant to any such petition proposing an amendment to the Constitution or the repeal of any provision of the Constitution shall be published in the manner provided by the Constitution for the publication of notices of proposals to amend the Constitution or repeal any provision thereof made by act of the Legislature. Notice of any other election upon any such petition shall be published, if with respect to a county, municipality or political subdivision or an official of a county, municipality or political subdivision, at least one time in a newspaper of general circulation in such county, municipality or political subdivision not less than thirty days and not more than forty-five days prior to said election, and if with respect to a general law or a State official or an official of a department of the State one time in one newspaper of general circulation in each county of the State not less than thirty days and not more than forty-five days prior to said election.

“The votes cast at any election upon any such petition shall be canvassed, tabulated, and returns made thereof and the result thereof proclaimed in the same manner and by the same officials as provided for with respect to elections of a member of the Legislature in case of amendment to the Constitution or the repeal of any provision thereof, a general law or the repeal of a general law, or the recall of a State official or an official of any department of the State, and if the proposal carries the measure or act proposed shall become effective forthwith upon proclamation thereof by the Governor, whose duty it shall be to proclaim the same within five days of the determination of the official result of such election, and in the case of a local law or an ordinance of any county, municipality or political subdivision or the repeal thereof or the recall of an official of any county, municipality or political subdivision, it shall

become effective upon proclamation thereof by the governing body of the political subdivision affected, whose duty it shall be to proclaim the same within five days of the determination of the official result of such election.?"

"Mark with a cross mark (X) in front of the word indicating your will.

()

YES

()

NO"

Section 4. The officers to hold the said election shall be appointed and shall hold the election as provided by law for general elections in the State of Alabama.

Section 5. Votes cast at such election shall be canvassed, tabulated, and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up.

Mr. Weaver offered the following substitute for said bill to-wit:
Substitute for S. 173:

A BILL

To be entitled an Act to propose an amendment to the Constitution of the State of Alabama of 1901 reserving to the people the right to reject or approve any legislative enactment, municipal ordinance, and/or rule, regulation or ordinances of the Court of County Commissioners, or other like governing body of the county, by petition filed within ninety days of the enactment of such statute, ordinance, rule, regulation or ordinance, to be designated as Article XXV; and to order an election by the qualified electors of the State of Alabama upon such proposed amendment, the election to be held at the general election for State and County officers in November 1936.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed, to be known as Article XXV, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day here-

by appointed for such election is the next general election to be held for State and County officers in November 1936. The proposed amendment is as follows:

ARTICLE XXV. The Legislature is authorized and directed to enact such statutes as will enable the people of the State or any county or municipality thereof, to have referred to them for approval or rejection any legislative enactment, municipal ordinance, rule, regulation or ordinance of the Court of County Commissioners, or other like governing body of any county, upon petition of a majority of the qualified electors of the State or any county or municipality thereof to be filed with the officer designated in said legislative enactment, if said petition is filed within ninety days of the date of the passage and approval of such legislative enactments, municipal ordinances, or rules, regulations or ordinances of the Court of County Commissioners or other like governing body of any county.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor and shall be published in one newspaper once a week for at least four successive weeks next preceding the day hereby appointed for said election in each county in the State.

Section 3. At the election hereby ordered to be held, as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, namely:

Shall the following be adopted as Article XXV of the Constitution of Alabama?

ARTICLE XXV. The Legislature is authorized and directed to enact such statutes as will enable the people of the State or any county or municipality thereof, to have referred to them for approval or rejection any legislative enactment, municipal ordinance, rule, regulation or ordinance of the Court of County Commissioners, or other like governing body of any county, upon petition of a majority of the qualified electors of the State or any county or municipality thereof to be filed with the officer designated in said legislative enactment, if said petition is filed within ninety days of the date of the passage and approval of such legislative enactments, municipal ordinances, or rules, regulations or ordinances of the Court of County Commissioners, or other like governing body of any county. Yes..... No.....

The choice of the electors shall be indicated by a cross mark made by him, or under his direction, to the right of the word expressing his desire.

Section 4. The officers to hold such election shall be the same as the officers to hold the general election in November 1936, and

shall be appointed in the same manner and by the same officials as now provided by the election laws of the State of Alabama for the appointment of officers to hold the election, and the election shall be held in all things in accordance with the provisions of this Act, the law governing general elections and the constitutional provision concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be, by the election officials, canvassed, tabulated and the returns made to the Secretary of State and shall be counted in the same manner as in elections for representatives to the legislature, and if it shall appear that a majority of the qualified electors who voted at such election on this constitutional amendment voted in favor of the same such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of said election shall be made known by proclamation of the Governor.

Which was adopted.

Yeas, 26; Nay, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Tucker
Browder	Mixon	Simpson	Walden
Carlton	McDowell	Stephens	Walton
Chesnut	Parrish	Swift	Weaver
Dorsey	Riddle	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nay: Mr. Locke

—1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Dorsey	McDowell	Stephens	Weaver
Glover	Parrish	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall

—28

Nays:—None.

The bill:

H. 560. To repeal an Act to amend and change the time within which wild ducks, geese and paules d'eaux (commonly known as coots) may be shot, killed or pursued with such intent within Mo-

bile County and a certain portion of Baldwin County, Alabama, said Act is found on page 195 of the Local Acts of Mobile County Alabama of 1931, approved July 17th, 1931.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Stephens	Weaver
Cook	Parrish	Swift	Wellborn
Dorsey	Riddle	Taylor	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Rules Committee:

S. J. R. 97. Relative to the two Houses adjourning today to meet again on Friday, August 16, 1935, at 10 A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Robinson and Mr. Sanderson:

H. J. R. 257. WHEREAS: The cotton producers of the United States by an act of Congress have been required to reduce the acreage in cotton for the year 1935, and

WHEREAS: said cotton producers are still in bad financial condition and have been led to believe that they would obtain a loan of 12c per pound for their cotton crop for the year 1935, and

WHEREAS: unless the policy of the 12c loan on cotton is continued it appears that it will result in a dire calamity to the cotton producers.

THEREFORE BE IT RESOLVED, by the House of Representatives, the Senate concurring, that the President of the United States is hereby respectfully petitioned to grant a 12c loan on cotton produced in year 1935.

BE IT FURTHER RESOLVED THAT A COPY OF THE RESOLUTION be sent to:

PRESIDENT OF THE UNITED STATES;

HON. John H. Bankhead, U. S. Senator;

HON. Hugo L. Black, U. S. Senator;

HON. Frank W. Boykin, U. S. Congressman;

Hon. Lister Hill, Hon. George Hudleston, Hon. Henry Stegall, Hon. W. B. Oliver, Hon. Joe Starnes, Hon. Sam Hobbs, Hon. A. H. Carmichael, Hon. W. B. Bankhead.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, the Senate concurred in H. J. R. 257, set out in the foregoing message from the House.

BILLS ON THIRD READING RESUMED

The bill:

S. 261. To create a Legislative Reference Bureau, to provide for the appointment of a director thereof, to fix the qualifications, salary, term of office, and duties of such director, to provide for the appointment of regular and temporary employes of the Bureau and the manner of fixing their compensation, to provide adequate appropriations for the support of the Bureau and for the payment of the expenses thereof, to provide offices for the Bureau, hours of keeping open, and assistance by other state departments and institutions, to fix the powers and duties of the Bureau, to provide for written requests for services and to protect the confidential character thereof, and to limit or prohibit certain practices on the part of the Director or of any employee of the Bureau.

Was taken up.

Mr. Dorsey offered the following amendment to said bill to-wit:

Amend S. 261:

Strike therefrom the words "by joint resolution of the Legislature" where the same occur together in Sec. 3 and substitute in lieu thereof the following:

"by the Governor."

Strike therefrom the words "to be fixed by the Legislature" where the same occur together in Sec. 3 and substitute in lieu thereof the following:

"of three hundred dollars per month."

Mr. Wellborn moved that said bill and the pending amendment be re-committed to the Committee on Finance and Taxation, which motion was lost.

Yeas, 12; Nays, 16.

*Yeas:**Messrs.:*

Dorsey	Mooneyham	Starnes	Thomas
Locke	Parrish	Swift	Walden
Mixon	Rogers (Mobile)	Taylor	Wellborn

—12

*Nays:**Messrs.:*

Bonner	Glover	Riddle	Stephens
Browder	Kelly	Russell	Walton
Carlton	Kuykendall	St. John	Weaver
Chesnut	McDowell	Simpson	Woodall

—16

The question then recurred on the amendment offered by Mr. Dorsey and said amendment was adopted.

Yeas, 26; Nays, 3.

*Yeas:**Messrs.:*

Bonner	Kuykendall	St. John	Thomas
Browder	Locke	Simpson	Tucker
Carlton	McDowell	Starnes	Walden
Chesnut	Parrish	Stephens	Weaver
Dorsey	Riddle	Swift	Wellborn
Glover	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell		

—26

*Nays:**Messrs.:*

Mixon	Mooneyham	Walton
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—3

Mr. Dorsey also offered the following amendment to said bill to-wit:

Amend Senate Bill 261 by striking therefrom the words and figures "forty-two thousand Dollars (\$42,000.00)" and substituting therefor the words and figures "Twenty thousand Dollars (\$20,000.00)."

Which was adopted.

Yeas, 20; Nays, 9.

*Yeas:**Messrs.:*

Bonner	Mixon	Rogers (Mobile)	Taylor
Chesnut	Mooneyham	Russell	Thomas
Dorsey	McDowell	Starnes	Tucker
Glover	Parrish	Stephens	Walden
Locke	Riddle	Swift	Wellborn

—20

*Nays:**Messrs.:*

Browder	Kuykendall	Simpson	Weaver
Carlton	St. John	Walton	Woodall
Kelly			

—9

Mr. Carlton offered the following amendment to said bill to-wit:
Amend S. B. No. 261 by striking therefrom Section 11 thereof and substituting therefor the following words, namely: "Sec. 11. This bill shall go into effect on July 1, 1938."

Which was adopted.

Yeas, 22; Nays, 7.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Thomas
Browder	Mixon	Starnes	Tucker
Carlton	Mooneyham	Stephens	Walden
Chesnut	McDowell	Swift	Weaver
Dorsey	Parrish	Taylor	Wellborn
Glover	Rogers (Mobile)		

—22

Nays:

Messrs.:

Kelly	Riddle	St. John	Woodall
Kuykendall	Russell	Walton	

—7

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 16; Nays, 12.

Yeas:

Messrs.:

Bonner	Dorsey	McDowell	Simpson
Browder	Glover	Riddle	Stephens
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Weaver

—16

Nays:

Messrs.:

Kelly	Rogers (Mobile)	Taylor	Walton
Mixon	Starnes	Thomas	Wellborn
Parrish	Swift	Walden	Woodall

—12

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following amendment to the Constitution:

By Mr. Connor:

H. 8. A bill to be entitled an Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held on the second Tuesday next after the expiration of three months after the final adjournment of the present session of the Legislature, an amendment to the Constitution of Alabama to be as follows: "Amendment XXIX to the Constitution of Alabama. Any person who was duly registered as an elector on January 1,

1932, and shall have paid on or before the first day of February next preceding the election at which he offers to vote all poll taxes due from him for the year 1933 and each subsequent year and complied with all other requirements under the Constitution except as otherwise herein provided with respect to payment of poll taxes, can become a qualified elector.

Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

Be it enacted by the Legislature of Alabama:

SECTION 1. The following amendment to the Constitution of Alabama is hereby proposed and an election by the qualified electors of the State of Alabama is hereby ordered upon such proposed amendment, and the date appointed for such election is the second Tuesday next after the expiration of three months from the final adjournment of the present session of the Legislature at which this amendment is proposed. The proposed amendment is as follows: "Amendment XXIX to the Constitution of Alabama. Any person who was duly registered as an elector on January 1, 1932, and shall have paid on or before the first day of February next preceding the election at which he offers to vote all poll taxes due from him for the year 1933 and each subsequent year and complied with all other requirements under the Constitution except as otherwise herein provided with respect to payment of poll taxes, can become a qualified elector.

Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least four (4) successive weeks next preceding the day hereby appointed for such election.

SECTION 3. That at the election on the amendment ordered by this Act, the qualified electors of the State of Alabama shall vote upon such proposed amendment, and on the official ballots printed for said election there shall be printed the following: "Amendment XXIX to the Constitution of Alabama. Any person who was duly registered as an elector on January 1, 1932, and shall have paid on or before the first day of February next preceding the election at which he offers to vote all poll taxes due from him for the year 1933 and each subsequent year and complied with all

other requirements under the Constitution except as otherwise herein provided with respect to payment of poll taxes, can become a qualified elector.

Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect.

Yes_____

No_____.”

SECTION 4. That the votes cast in said election shall be counted, canvassed, tabulated and return made to the Secretary of State in the same manner as provided in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

SECTION 5. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the Election Laws of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with this Act, the law governing General Elections, and the Constitutional provisions concerning amendments to the Constitution; the expenses of the election, including the cost of the publication of the notice prescribed herein, shall be paid out of the same funds and in the same manner as expenses of General Elections.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read one time at length and referred to appropriate Standing Committee as follows:

H. 8, to the Committee on Constitution and Constitutional Revision and Amendments.

NOTICE OF MOTION TO TAKE FROM ADVERSE CALENDAR

Mr. Taylor gave to the Senate the following notice in writing:

“Notice is hereby given that on the next Legislative Day, I will move to take from the Adverse Calendar, having the same read a second time and placed on the regular calendar, the bills:

S. 357. To amend Section 4 of an Act entitled "An Act to regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act entitled 'An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor behicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency."

Also:

S. 359. To amend Section 3 of an Act entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforce-

ment, and to prescribe punishment and penalties for the violation of this Act," approved October 28, 1932.

H. A. Taylor,
Senator, 32nd District.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL
Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the thirty-ninth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the thirty-ninth Legislative day approved by the Senate.

ADJOURNMENT

At 5:15 P. M., on motion of Mr. Thomas, and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Friday, August 16th, 1935, at ten A. M.

FORTIETH DAY

Friday, August 16th, 1935.

The Senate met pursuant to adjournment, President Pro-Tem Riddle, presiding.

PRAYER

The Session was opened with prayer by Dr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Weaver
Frazer	McDowell	Stephens	Wellborn
Glover	Parrish	Swift	Woodall

JOURNAL

On motion of Mr. Starnes, the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Swift:

S. 388. To extend the time in which tax collectors of the several counties of Alabama may file their official bonds with the Comptroller, so that they may be filed on or before the 15th day of September next after their election; and to repeal all laws in conflict herewith.

Committee on Insurance.

By Mr. Taylor:

S. 389. To amend Section 29 (a) of an Act entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of the Act", approved October 28, 1932.

Committee on Public Roads & Highways.

By Mr. Stephens:

S. 390. To propose an amendment to Section 48 of Article IV of the Constitution of Alabama, and to order an election for the

qualified electors of the State of Alabama upon such proposed amendment to be held on the date of the holding of the general election for the election of United States Senator from Alabama in the year 1936.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Stephens:

S. 391. To propose an amendment to Section 49 of Article IV of the Constitution of Alabama and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the date of the holding of the general election for the election of United States Senator from Alabama in the year 1936.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Riddle:

S. 392. To repeal an act entitled, "An Act to define sedition and prescribe the punishment therefor", which became a law under the Constitution of Alabama on July 31, 1935.

Committee on Rules.

By Mr. Thomas:

S. 393. To submit to the qualified voters of the State of Alabama, at an election to be held when the first general election on any question is submitted to the legal voters of Alabama, but said election not to be held within three months from and after the final adjournment of the present regular session of the 1935 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Calhoun, Elmore and Tuscaloosa; and, whereby all Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable or purporting to be applicable to any or all of said Counties, and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Kelly:

S. 394. To further provide for the filling of vacancies occurring on Boards of Revenue, or like governing bodies; and to provide when this Act shall go into effect.

Committee on Counties and County Boundaries.

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDowell:

S. 324. To fix the salaries of the Chief Justice and Associate Justices of the Supreme Court and Judges of the Court of Appeals; to provide how the same shall be payable and to further provide when the provisions of this act shall become effective.

Mr. Carlton, Chairman of the standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Wellborn:

S. 376. To permit the playing of tennis, golf, baseball and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in cities of the State which now have or may hereafter have a population of not less than Eighteen Thousand inhabitants nor more than Forty Thousand inhabitants, according to the last or any subsequent Federal Census and within the police jurisdiction thereof; to provide that the governing body of any such city may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city, and to provide for holding of other and subsequent elections on such acts and for cost thereof.

By Mr. Langdon (with notice and proof):

H. 850. To provide for the election of a County Superintendent of Education for Pickens County, Alabama, by the qualified voters of said County, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties and to provide for the election of his successor in office.

By Mr. Langdon (with notice and proof):

H. 848. To provide compensation for the members of the Commissioners Court of Pickens County, Alabama, and to limit the number of days per month they may draw the same, and repeal all laws and parts of laws in conflict therewith.

By Mr. Langdon (with notice and proof):

H. 849. To provide for the Nomination of Members of the Court of County Commissioners of Pickens County, Alabama, in Primary elections; To provide for the manner of their elections, and to fix the residences of said County Commissioners.

Mr. Walton, acting Chairman of the standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Wallace:

H. 545. To provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed.

Mr. Mooneyham, Chairman of the standing Committee on Municipalities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report and it was read a second time and placed on the calendar, to-wit:

By Mr. Sanderson:

H. 811. Declaring a state and national emergency to exist affecting the service trades within the State of Alabama, declaring the necessity for ordinances providing for fair competition among service trade; declaring this Act and emergency measure; authorizing the governing bodies of all cities of this State whose population is not less than 60,000 nor more than 300,000 according to the last or any subsequent Federal Census to enact or repeal such ordinances providing for fair competition among those trades wherein services are rendered to the public without the sale of merchan-

dise as such except as a mere incident to such service; providing for the application to the governing bodies of such cities for the establishment of ordinances providing for fair competition, and providing a penalty for violation of provision of ordinances so adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 170. To define, incorporate, govern and regulate the business of county mutual fire, lightning and windstorm insurance companies.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Hendley:

H. 852. To authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 852, to the Committee on Education.

RESOLUTIONS AND SPECIAL ORDER

The Rules Committee reported the following Senate Resolution:

S. R. 98. BE IT RESOLVED BY THE SENATE, that upon the call of the calendar for today, all Local Bills be called in their order on the calendar first, and immediately after the call of Local Bills that S. B. 365 be made a Special, Paramount and Continuing Order of business for today.

And on motion of Mr. Bonner, said report was concurred in, the Resolution adopted and said bill, S. 365, made a Special, Paramount and Continuing Order of business for today.

The Rules Committee reported the following Resolution:

S. J. R. 99. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today they adjourn to meet again at 10:30 A. M. on Tuesday, August 20, 1935.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested:

H. 560. To repeal an Act to amend and change the time within which wild ducks, geese and paules d'eaux (commonly known as coots) may be shot, killed or pursued with such intent within Mobile County and a certain portion of Baldwin County, Alabama, said Act is found on page 195 of the Local Acts of Mobile County of Alabama of 1931, approved July 17th, 1931.

Also:

H. 743. To amend Section 7 of an Act to provide for the subordinate officers and employees of the Legislature, including the Senate and the House of Representatives; to fix the number, their positions, terms of office and employment, and the mode of their selection or election; to fix the compensation of such subordinate officers and employees, and to provide how and when such compensation shall be paid; providing clerical assistants to the Secretary of the Senate and the Clerk of the House after adjournment for the completion of the journals, and fixing the time for the filing of same in the office of the Secretary of State and delivery of copy thereof to the State Printer; providing for an information bureau for the members of the Legislature and the public, and providing duties for the Secretary of the Senate and the Clerk of the House of Representatives after adjournment, and to repeal an Act to amend Section 1530 of the Code of Alabama of 1923, approved Jan-

uary 27, 1927, also the Act to authorize the Senate and the House of Representatives of the Legislature of Alabama; to fix by resolution the per diem of the subordinate officers and employees of the respective Houses, and fix the expense allowances to the President Pro Tem of the Senate, approved February 20, 1931, and to repeal all laws and parts of laws in conflict herewith, approved March 8, 1933.

Also:

H. J. R. 257. Reltive to petitioning the President of the United States to grant a 12 Cent Loan on cotton produced in year 1935.

E. F. Taylor,
Clerk.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensd with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Resolution, the titles of which are set out in the foregoing message from the House.

MOTION TO TAKE FROM ADVERSE CALENDAR

Pursuant to notice heretofore given, Mr. Wellborn moved to take from the Adverse Calendar, have the same read second time and placed on the regular Calendar, the bill:

S. 139. To provide for the examination and audit by the Division of Departmental and County Audits of the records of all city officers in cities of Alabama which may now or hereafter have a population of ten thousand (10,000) or more according to the last or any subsequent Federal Census; to provide for the payment of the cost of said examination; and to provide for the employment of a sufficient number of clerical assistants in the Division of Departmental and County Audits to carry out the provisions of this Act.

Which motion was lost by reason of a failure to receive a majority of the whole number elected to the Senate.

Yeas, 17; Nays, 12.

Yeas:

Messrs.:

Browder
Chesnut
Cook
Dorsey
Frazer

Goldsmith
Locke
Rogers (Mobile)
Russell

Simpson
Stephens
Swift
Tucker

Walden
Walton
Weaver
Wellborn

Nays:

Messrs.:

Bonner

Carlton

Glover

Kelly

Kuykendall

Mixon

McDowell

Parrish

Riddle

St. John

Thomas

Woodall

—12

BILLS INDEFINITELY POSTPONED

On motion of Mr. Weaver, the Senate indefinitely postponed further consideration of the bill:

S. 186. To create a Legislative Reference Bureau, to provide for the appointment of a director thereof, to fix the qualifications, salary, term of office, and duties of such director, to provide for the appointment of regular and temporary employes of the Bureau and the manner of fixing their compensation, to provide adequate appropriations for the support of the Bureau and for the payment of the expenses thereof, to provide offices for the Bureau, hours of keeping open, and assistance by other state departments and institutions, to fix the powers and duties of the Bureau, to provide for written requests for services and to protect the confidential character thereof, and to limit or prohibit certain practices on the part of the Director or of any employee of the Bureau.

On motion of Mr. Simpson, the Senate indefinitely postponed further consideration of the bill:

S. 358. To provide that in all counties in the State of Alabama having a population of 300,000 or more, according to the last Federal census or any subsequent Federal census, the County Superintendent of Education may have the privilege of selecting text books for the use of any and all grades in the schools of the respective counties who attend said schools.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Connor:

H. J. R. 261. Be It Hereby Resolved by the House, the Senate concurring, that:

WHEREAS, one of the most tragic airplane accidents in the history of aviation today claimed the lives of Will Rogers, humorist, actor and friend of aviation, and Wiley Post, one of the most intrepid fliers of the age; and

WHEREAS, hardly a member of this House and Senate has not chuckled to himself over the bright humor of Rogers, who once addressed this Legislature, and whose position in this world as a friend of kings, presidents, rich and poor, was one that probably will never be filled;

NOW, THEREFORE, BE IT RESOLVED, that the sympathy of the Alabama Legislature be and is hereby extended to the families of the two men who met death today in the frozen wastelands of the north, and the Clerk of the House be instructed to send a copy of this Resolution to the families of Rogers and Post.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, the Senate concurred in and adopted H. J. R. 261, set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, has compared the following engrossed bill with the original bill, respectively, and finds same correctly engrossed, to-wit:

S. 261. To create a Legislative Reference Bureau, to provide for the appointment of a director thereof, to fix the qualifications, salary, term of office, and duties of such director, to provide for the appointment of regular and temporary employes of the Bureau and the manner of fixing their compensation, to provide adequate appropriations for the support of the Bureau and for the payment of the expenses thereof, to provide offices for the Bureau, hours of keeping open, and assistance by other state departments and institutions, to fix the powers and duties of the Bureau, to provide, for written requests for services and to protect the confidential character thereof, and to limit or prohibit certain practices on the part of the Director or of any employee of the Bureau.

Vernon L. St. John,
Chairman.

BILLS ON THIRD READING

The bill:

H. 118. To provide for a license inspector in all counties in the State of Alabama having more than one hundred fifty thousand population, according to the last or any succeeding Federal census; to fix his compensation and define his duties.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder

Carlton
Chesnut

Cook
Frazer

Glover
Kelly

Locke	Rogers (Mobile)	Swift	Walton
Mixon	Russell	Thomas	Weaver
Mooneyham	St. John	Tucker	Wellborn
Parrish	Starnes	Walden	Woodall
Riddle	Stephens		

—26

Nays:—None.

The bill:

S. 373. To permit the playing of tennis, golf, baseball and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in cities of the State which now have or may hereafter have a population of not less than Twenty-Four Thousand inhabitants nor more than Sixty Thousand inhabitants, according to the last or any subsequent Federal Census and within the police jurisdiction thereof; to provide that the governing body of any such city may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city, and to provide for holding of other and subsequent elections on such acts and for cost thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 2.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Cook	McDowell	Starnes	Weaver
Dorsey	Parrish	Swift	Wellborn
Frazer	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:

Messrs.:

Bonner	Riddle
--------	--------

—2

The bill:

H. 512. To Amend an Act "To require that all county officers in all counties which now have or may hereafter have a population of less than eighteen thousand according to the last or any subsequent Federal Census to pay premium on official bond" approved April 4, 1933—being House bill No. 275, page 102 of General and Local Acts of Alabama, extra session 1933.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to said bill to-wit:

Amend Section 1 by striking therefrom the word: "seventeen" in said section and substitute therefor the word: "twelve."

Which was adopted.

Yeas, 26 ; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Stephens	Walton
Dorsey	Parrish	Swift	Wellborn
Frazer	Riddle	Taylor	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26 ; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Stephens	Walton
Dorsey	Parrish	Swift	Wellborn
Frazer	Riddle	Taylor	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 587. To authorize the County Commission, Board of Revenue or other governing body of Walker County, to build, equip maintain, and operate a County Hospital within said county, and to appropriate out of the County Treasury such sums of money as are necessary for the operation of said hospital; to provide for the appointment of a hospital board by the said County Commission, Board of Revenue or other governing body of said county, to operate said hospital; to provide for a secretary to said hospital board and fix his salary and prescribe his duties; and to make such rules and regulations as are necessary for the maintenance and operation of said hospital.

Was read a third time at length and passed.

Yeas, 26 ; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Tucker
Browder	Locke	Starnes	Walden
Chesnut	Mixon	Stephens	Walton
Cook	McDowell	Swift	Weaver
Dorsey	Riddle	Taylor	Wellborn
Frazer	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 733. To validate and make payable out of the Fine and Forfeiture Fund of Autauga County, Alabama, outstanding warrants due the present Judge of the Civil and Criminal Court of Autauga County, Alabama, and to provide the manner of payment of the same, and the registration of said warrants.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Tucker
Browder	Kuykendall	St. John	Walden
Chesnut	Locke	Simpson	Walton
Cook	Mixon	Starnes	Weaver
Dorsey	McDowell	Swift	Wellborn
Frazer	Parrish	Thomas	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 786. To amend Section 11 of an Act of the Legislature approved August 15, 1923, entitled "An Act to amend an Act approved September 25th, 1915, entitled: 'An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;' and to provide for the going into effect of the various sections of said Act as amended;" to provide for the qualifications, appointments, selection, employment, terms, regulations, compensation and removal of certain employees in such cities.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Mixon	Rogers (Mobile)
Browder	Goldsmith	Mooneyham	Russell
Cook	Kelly	Parrish	St. John
Dorsey	Locke	Riddle	Simpson

Starnes
Stephens
Swift

Taylor
Thomas
Tucker

Walden
Walton

Wellborn
Woodall

—26

Nays:—None.

The bill:

H. 822. To make further provision for the alteration or rearrangement of the boundary lines of the City of Montgomery, in the County of Montgomery, and State of Alabama, by the inclusion within the corporate limits of said City of the territory now or formerly included within the towns of Capitol Heights and Cloverdale, and certain other territory.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder
Carlton
Cook
Frazer
Glover
Kelly
Kuykendall

Mixon
Mooneyham
McDowell
Parrish
Riddle
Rogers (Mobile)
Russell

St. John
Simpson
Starnes
Stephens
Swift
Taylor

Thomas
Tucker
Walton
Weaver
Wellborn
Woodall

—26

Nays:—None.

The bill:

S. 365. To create a State Department of Public Welfare; to provide for a State Board of Public Welfare for the government thereof; to prescribe its powers and duties; to provide for the appointment of a Commissioner as Executive Officer and for the appointment of other employees, their compensation and the maintenance and other expenses of the State Department of Public Welfare; to transfer to the State Department of Public Welfare all the powers, duties, and obligations now vested in and relating to the State Child Welfare Department, except the administration of the State Child Labor Law, which may now or hereafter be transferred to the Department of Labor in the event such department be established; to transfer to the State Department of Public Welfare all those duties having to do primarily with the determination of need and authorization of relief now performed by the Alabama Relief Administration; to empower the State Department of Public Welfare to administer all public assistance funds, child welfare funds, and all funds appropriated by the Legislature to the State Department of Public Welfare for the purposes for which they are appropriated; to authorize the State Department of Public Welfare to act as agent for and to cooperate with any Federal or State agency or enactment now or hereafter provided by law for the pur-

pose of rendering public assistance and services through any of the bureaus herein created; to authorize the State Board of Public Welfare to create such other bureaus and divisions within the purview of this Act as may be necessary for its administration and to prescribe rules and regulations governing the same; to authorize the State Board of Public Welfare to prescribe adequate standards of education, training and experience which must have been attained by persons selected for the positions to be filled in each of the bureaus and divisions of the State Department of Public Welfare and in the several county departments of public welfare; to authorize the State Board of Public Welfare to issue certificates to such persons as may meet the qualifications prescribed; to provide a mental hygiene program of non-institutional care; to authorize the State Department of Public Welfare to collect statistics and other information relative to public welfare and to make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for public assistance, family welfare, child welfare and other welfare activities; to create county departments of public welfare and to provide for county boards of public welfare for the government thereof; to prescribe their powers and duties; to transfer to the county boards of public welfare and the county departments of public welfare all rights, duties, powers and obligations of the present county child welfare boards; to authorize the county departments of public welfare, operating under the county boards of public welfare, to act as agents for and to cooperate with any Federal, State or County agency or enactment now or hereafter provided by law for the purpose of rendering public assistance, family welfare services and child welfare services; and to repeal all laws in conflict herewith.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amendment to Senate Bill 365:

Amend Senate bill 365, Section 8, by adding at the end of Section 8 the following:

Provided, however, that no power herein conferred shall be so exercised as to impair or infringe the powers, authorities and functions of the Boards and Officers governing or controlling the Alabama Insane Hospitals, Partlow State School, Boys Industrial School, Girl's Industrial Training School, Alabama Institute for Deaf and Blind, State Health Department, Juvenile and Courts of Domestic Relations.

On motion of Mr. Dorsey, said amendment was laid on the table.

Mr. Dorsey offered the following amendment to said bill to-wit:

Amend Senate bill 365, Section 8, by adding at the end of Section 8 the following:

Provided, however, that no power herein conferred shall be so exercised as to impair or infringe the powers, authorities and functions of the Boards and Officers governing or controlling the Alabama Insane Hospitals, Partlow State School, Alabama Boys Industrial School, State Training School for Girls, Alabama Institute for Deaf and Blind, State Health Department, Juvenile and Courts of Domestic Relations.

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Carlton	Locke	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Cook	Mooneyham	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Glover	Parrish	Stephens	Wellborn
Goldsmith	Riddle	Swift	Woodall

—28

Nays:—None.

Mr. Walton offered the following amendment to said bill to-wit:

Amend Section 14 of Senate Bill No. 365 on page 9 of the printed copy of said Bill No. 365 by striking from said Senate Bill No. 365 Section 14 as same appears on page 9 of the printed copy of said Bill and substituting in lieu thereof the following as Section 14 of said Senate Bill No. 365, in words and figures as follows:

Section 14. The County Director, with the approval of the County Board, shall appoint such staff as may be necessary to administer all welfare activities within his jurisdiction and to perform all other duties required of him. Such appointments, with the exception of the clerical staff, shall meet the qualifications as to education, training, experience, and efficiency which are prescribed by the State Board. The salaries of the staff shall be fixed by the County Board in conformity with the salary schedule prescribed by the State Board. Adequate traveling expenses for the County Director and his staff while in performance of their duties shall be fixed by the County Board in conference with the County Director. The County Board of Revenue, Court of County Commissioners, or other governing body of the County and incorporated municipalities within the County shall make joint appropriations for office space, supplies, and for the maintenance of the functions to be performed by the County Department of the Public Welfare, and shall mutually participate in the benefits thereof, but the amount to be appropriated by said governing body of the County and by

each municipality shall be subject to the approval of the said governing body of the County and the participating municipality or municipalities. When federal and state funds are available for use by County Boards, they shall be allocated by the State Board. Due consideration shall be given in the allocation of these funds to population, extent of need and the financial conditions of the County.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Stephens	Weaver
Glover	Parrish	Swift	Woodall
Goldsmith	Riddle		

—26

Nays:—None.

Mr. McDowell offered the following amendment to said bill to-wit:

To amend Section 14 on Page 9 of printed copy of Senate Bill No. 365 by striking the word "education" where it appears on line eleven of the printed bill.

Mr. Walton moved to lay said amendment on the table, which motion was lost.

Yeas, 10; Nays, 19.

Yeas:

Messrs.:

Browder	Kelly	St. John	Weaver
Chesnut	Mooneyham	Walton	Woodall
Glover	Riddle		

—10

Nays:

Messrs.:

Bonner	Goldsmith	Parrish	Swift
Carlton	Kuykendall	Russell	Tucker
Cook	Locke	Simpson	Walden
Dorsey	Mixon	Starnes	Wellborn
Frazer	McDowell	Stephens	

—19

The question then recurred on the amendment of Mr. McDowell and said amendment was adopted.

Yeas, 20; Nays, 9.

Yeas:

Messrs.:

Bonner	Dorsey	Kuykendall	McDowell
Carlton	Frazer	Locke	Parrish
Cook	Goldsmith	Mixon	Russell

Simpson	Stephens	Tucker	Weaver
Starnes	Swift	Walden	Wellborn

—20

Nays:

Messrs.:
Browder
Chesnut
Glover

Kelly
Mooneyham

Riddle
St. John

Walton
Woodall

—9

Mr. Swift offered the following amendment to said bill to-wit:

Amend Senate Bill 365 by striking therefrom the first paragraph of Section 11 and inserting in lieu thereof the following:

The County Board of Public Welfare shall consist of seven members, not less than two of whom shall be women, selected by the County Court of Commissioners or County Board of Revenue or other governing body of the County from the citizenship of the county on the basis of their recognized interest in the public welfare, provided that in counties in which there are cities having a population of sixty thousand or more, according to the last Federal Census, the city commission or other governing body of the city shall have equal authority with the County Board of Revenue or other governing body of the County in selecting the membership of the County Board of Public Welfare.

Which was adopted.

Yeas, 30; Nay, 1.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Frazer
Glover

Goldsmith
Kelly
Kuykendall
Locke
Mixon
Mooneyham
McDowell
Parrish

Rogers (Mobile)
Russell
St. John
Simpson
Starnes
Stephens
Swift

Thomas
Tucker
Walden
Walton
Weaver
Wellborn
Woodall

—30

Nay:—Mr. Riddle

—1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 4.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Glover
Kuykendall

Locke
Mixon
Mooneyham
Parrish
Riddle
Rogers (Mobile)
Russell

St. John
Simpson
Starnes
Stephens
Swift
Thomas

Tucker
Walden
Walton
Weaver
Wellborn
Woodall

—26

Nays:
Messrs.:
Dorsey

Frazer

Goldsmith

McDowell

—4

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Robertson (Cullman):

H. 613. To Amend Sections 1 and 3 of an Act approved September 9, 1927 Amending Sections 1754, 1757, 1760 and 1894 of the Code of Alabama of 1923.

Also:

By Mr. Wallace:

H. 876. To further provide for freeing Alabama highways of all toll bridges through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were read once and referred to appropriate Standing Committees as follows:

H. 613, to the Committee on Revision of Laws.

H. 876, to the Committee on Public Roads and Highways.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Johnston:

H. 823. To cede to the United States of America exclusive jurisdiction over the Fort McClellan Military Reservation in Calhoun County, Alabama.

Also:

By Mr. Toomer:

H. 646. To amend Section 6, of Article One of an Act entitled an Act, "To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Ala-

bama ; to define and regulate the powers and duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county commissioners, municipalities or like governing bodies ; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways ; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads ; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries ; to provide for the establishment and maintenance of private roads ; to provide for State Bonds for construction and maintenance of roads, issue and sale of ; Good Roads Day established ; Offenses concerning toll bridges, turnpikes and causeways ; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates ; to provide for working of public roads ; persons liable and persons exempt from road duty ; to provide for railroad tracks, bridges, viaducts and tunnels ; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue ; Approved August 23, 1927," as amended by an Act entitled an Act, "To amend Section 6, of Article One of an Act entitled an Act, "To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission ; to create the office of Alabama Highway Director in Alabama ; to define and regulate the powers and duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county commissioners, municipalities or like governing bodies ; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways ; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along or upon such roads ; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries ; to provide for the establishment and maintenance of private roads ; to provide for State Bonds for construction and maintenance of roads, issue and sale of ; Good Roads Day established ; Offenses concerning Toll bridges, turnpikes and causeways ; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates ; to provide for working of

public roads; persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue; Approved April 10, 1931.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 823, to the Committee on Military.

H. 646, to the Committee on Public Roads and Highways.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Rules Committee:

S. J. R. 99. Relative to the two houses adjourning today to meet again at 10:30 A. M. on Tuesday, August 20, 1935.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Starnes:

S. 326. To declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate Amendment to the following House Bill:

By Mr. Kelly:

H. 512. To Amend an Act "To require that all county officers in all counties which now have or may hereafter have a population of less than eighteen thousand according to the last or any subsequent Federal Census to pay premium on official bond" approved April 4, 1933—being House bill No. 275, page 102 of General & Local Acts of Alabama, extra session 1933.

E. F. Taylor,
Clerk.

MOTION TO TAKE FROM ADVERSE CALENDAR

Pursuant to written notice heretofore given, Mr. Swift (in behalf of Mr. Taylor), moved to take from the adverse calendar, have the same read a second time and placed on the regular calendar, the bills:

S. 357. To amend Section 4 of an Act entitled "An Act to regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act entitled 'An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency." (Approved Oct. 6th, 1932.)

Also:

S. 359. To amend Section 3 of an Act entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to author-

ize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carrier and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act," approved October 28, 1932.

Mr. Bonner raised the point of order that said motion was made too late, which point of order was sustained by the Chair.

Thereupon, Mr. Swift gave to the Senate the following notice in writing:

"Notice is hereby given that on the next Legislative day, I will move to take from the Adverse Calendar, have the same read a second time and placed on the regular calendar, the bills:

S. 357. To amend Section 4 of an Act entitled "An Act to regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act entitled 'An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency." Approved October 6th, 1932.

Also:

S. 359. To amend Section 3 of an Act entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act," approved October 28, 1932.

G. R. Swift.

REPORT OF THE SECRETARY

Mr. President:

In accordance with the requirements of Joint Rule No. 5 of the Senate and House, I respectfully report the following Senate bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. 36. To fix the minimum age at which children may enter public schools in Alabama and to repeal all laws, or parts of laws in conflict herewith.

Delivered to the Governor July 30th, 1935, at 4:20 P. M.

Also:

S. 101. To authorize any person or owner of property to convey or devise any of his real estate or personal property to another in trust to receive and pay the profits and or income not to exceed Eighteen Hundred (\$1800.00) Dollars annually for the support and maintenance of any child, grandchild, or other relation by blood or marriage, with remainder as the grantor shall provide,

during a period of time not exceeding the limits fixed by law as to perpetuities; and the property so conveyed or devised and the income or profits therefrom shall not be liable for or subject to be seized or taken in any manner for the debts of such child, grandchild, or other relation, whether the same be contracted or incurred before or after the grant .

Delivered to the Governor July 30th, 1935, at 4:20 P. M.

Also:

S. 102. To provide that if, under the terms of any annuity contract or policy of life insurance, or under any written agreement supplemental thereto, issued by any life insurance company, the proceeds, or any part thereof, are retained by such company at maturity, or otherwise, permission is expressly withheld by the terms of such contract, policy or supplemental agreement; no person entitled to any part of such proceeds, or instalments of interest due, or become due thereon, shall be permitted to commute, anticipate, encumber, alienate or assign the same, or any part thereof, and that no such payment shall be in any way subject to such person's debts, contracts, or engagements, nor to any judicial process to levy upon or attach the same; and to provide, further, that no such company shall be required to segregate such funds, but may hold them as a part of its general corporate funds.

Delivered to the Governor July 30th, 1935, at 4:20 P. M.

Also:

S. 187. To abolish the County Commission of Walker County, and to establish in lieu thereof a Board of Revenue; to provide when said County Commission shall be abolished and said Board of Revenue established; to provide the number of members of said Board of Revenue; to prescribe their terms of office, authority, powers, duties and fix their compensation; to provide for the selection and election of said members, and to repeal all laws and parts of laws in conflict herewith.

Delivered to the Governor July 30th, 1935, at 4:20 P. M.

Also:

S. 217. To provide for the observance and celebration of the One Hundredth Anniversary of the Founding of Prattville, Alabama; to appoint a commission to carry out the purposes of this Act and to appropriate the sum of Five Thousand Dollars (\$5,000.00) or so much thereof as may be necessary to pay the expenses of said celebration in the event that the Federal Congress shall pass an Act or Joint Resolution providing for the observance and celebration of said Anniversary.

Delivered to the Governor August 6th, 1935, at 10:25 A. M.

Also:

S. 226. To revise and amend an Act entitled "An Act to revise and amend Chapter 20 of the Code of 1907, approved October

1st, 1932, relating to game and fish laws."

Delivered to the Governor August 9th, 1935, at 10:25 A. M.

Also:

S. 188. To amend an Act, entitled "An Act to Promote the Objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations, to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, by adding thereto a section, permitting fiduciaries to retain for their individual account any service charge allowed by the National Housing Act.

Delivered to the Governor August 9th, 1935, at 10:25 A. M.

Also:

S. 194. To permit and allow the County Board of Education of Chambers County, upon the recommendation of the County Superintendent of Education to borrow funds to pay the teachers, truck drivers, and other employees of the Board, and to pay the current expenses of said County schools, when the current funds on hand are not sufficient to meet the same, and to pledge as security therefor the current revenues for the current year, or the following year, or to provide instead of such loans the issuance of interest bearing warrants to teachers and truck drivers or employees of the said Board; to provide that said County Board of Education may transfer children to high schools in adjacent districts when nearer and more convenient and may use such district taxes and transfer the same for use in other districts for the payment of transportation or other expenses; to provide further that when there is no school in a district or when such district has a sufficient balance of district taxes, the County Board of Education may use such district tax for the transportation of children in said district.

Delivered to the Governor August 9th, 1935, at 10:25 A. M.

Also:

S. 207. To authorize the better maintenance of a full time County Health Officer and County Health Department within each County of Alabama.

Delivered to the Governor August 9th, 1935, at 10:25 A. M.

Also:

S. 245. To repeal Sections 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, and 1932 of the Code of Alabama of 1923, all of which sections are parts of the Municipal Corporations Code, pertaining to the public health of Alabama.

Delivered to the Governor August 13th, 1935, at 11:55 A. M.

Also:

S. 246. To repeal Sections 1057, 1062, 1083, 1084, 1099, 1117, 1121, 1122, 1123, 1126, 4357, 4358, 4368, 4467, 4471, and 4474, of the Code of Alabama of 1923, all of which are parts of the Public Health Law.

Delivered to the Governor August 13th, 1935, at 11:55 A. M.

Also:

S. 244. To provide for the filing of delayed certificates of birth and death.

Delivered to the Governor August 13th, 1935, at 11:55 A. M.

Also:

S. 36. To fix the minimum age at which children may enter public schools in Alabama and to repeal all laws, or parts of laws, in conflict herewith.

Delivered to the Governor August 13th, 1935, at 11:55 A. M.

Also:

S. 304. To require 25% of the total funds received by St. Clair County, Alabama, from the levy and collection by the State of Alabama of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the principal of all bonds issued against the road and bridge funds of St. Clair County, which bonds were issued for the purpose of constructing public roads and bridges in said county; requiring the County Treasurer or like official or depository of said county to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof with said funds for said purpose, providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama, and to provide the time when this act shall take effect.

Delivered to the Governor August 15th, 1935, at 10:30 A. M.

Also:

S. 322. To authorize, empower and direct the Town of Muscle Shoals, Alabama, to sell and convey to the United States of America title to that certain real estate owned by the Town of Muscle Shoals, Alabama, known as the Airport, which is described as follows, to-wit: A tract of land lying in Colbert County, State of Alabama, on the left side of the Tennessee River, approximately three miles South of Wilson Dam, in Township 3 South, Range 10 West,

and more particularly described as follows: The SW $\frac{1}{4}$ of Section 32, the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 32. All of the above described land contains 240 acres, more or less; and, to authorize, empower and direct said Town of Muscle Shoals, Alabama, to make, enter into, execute, and deliver all contracts, deeds, instruments, and other documents necessary and proper to enable said Town of Muscle Shoals, Alabama, to convey satisfactory title to the United States of America; to ratify and confirm all contracts heretofore made and entered into by the Town of Muscle Shoals, Alabama, with the United States of America and/or the Tennessee Valley Authority for the sale of said real estate; and to vacate and annul all rights of the public in and to said land.

Delivered to the Governor August 15th, 1935, at 10:30 A. M.

Also:

S. 170. To define, incorporate, govern and regulate the business of county, mutual fire, lightning and windstorm insurance companies.

Delivered to the Governor August 16, 1935, at 10:45 A. M.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the fortieth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the fortieth Legislative day approved by the Senate.

ADJOURNMENT

At 1:20 P. M., on motion of Mr. McDowell and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, August 20, 1935, at 10:30 A. M.

FORTY-FIRST DAY

Tuesday, August 20th, 1935

The Senate met pursuant to adjournment, President Pro-Tem Riddle presiding.

PRAYER

The Session was opened with prayer by Dr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Weaver
Fletcher	McDowell	Stephens	Wellborn
Frazer	Parrish	Swift	Woodall
Glover			

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JOURNAL

On motion of Mr. Walton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committee, as follows:

By Mr. Stephens:

S. 395. To create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers

duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same and to retain the right to amend or repeal this Act.

Committee on Rules.

By Mr. Tucker:

S. 396. To authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy a privilege tax on all persons selling, or keeping in storage for sale, gasoline, Woco-Pep, or any other motor fuel used by self propelled vehicles, not to exceed one cent per gallon; to authorize such Board of Revenue of said County to provide the necessary rules, regulations and machinery for the collection of said privilege tax; to make provision for the distribution of said privilege tax; to prohibit any incorporated city or town in said County from levying a municipal privilege tax on gasoline, Woco-Pep, or any substitute therefor; to repeal the municipal privilege taxes on said gasoline, Woco-Pep, or any substitute therefor, which may now be levied by any incorporated city or town in said County; to provide for the use of said privilege tax, and to provide penalties for the violation of such rules and regulations, to repeal all laws in conflict with this Act and to provide when this Act shall take effect.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the present session of the 1935 Legislature, or any recess session thereof, an application will be made for the passage of a local bill in substance as follows:

AN ACT

To authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy a privilege tax on all persons selling, or keeping in storage for sale, gasoline, Woco-Pep, or any other motor fuel used by self propelled vehicles, not to exceed one cent per gallon, for the purpose of constructing and maintaining the roads and bridges in said County; to authorize such Board of Revenue of said County to provide the necessary rules, regulations and machinery for the collection of said privilege tax; to make provision for the distribution of said privilege tax, providing for the payment of net proceeds of said tax collected in any municipality in said County over to said municipality; to prohibit any incorporated City or Town in said County from levying a municipal privilege tax on gasoline, Woco-Pep, or any substitute therefor; to repeal the municipal privilege taxes on said gasoline, Woco-Pep, or any substitute therefor, on any persons selling or keeping the same in storage for sale, which may now be levied by any incorporated

city or town in said County; to provide for the use of said privilege tax and to provide penalties for the violation of such rules and regulations; to repeal all laws in conflict with this act, and to provide when this Act shall take effect.

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks, viz, May 10, 17, 24, 31, 1935.

Bruce Shelton,
Publisher.

Subscribed and sworn to before me on this the 31st day of May, 1935.

Lilla Collins,
Notary Public.

(Seal)

By Mr. Simpson:

S. 397. To establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of recipients of old age pensions and to provide for the enforcement thereof; to provide for the administration of such system and to define offenses against same and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged.

Committee on Rules.

By Mr. Swift:

S. 398. To provide for the revision and codification of the general laws of Alabama relating to education.

Committee on Education.

By Mr. Carlton:

S. 399. To Repeal an Act "To provide for the designation by the Court of County Commissioners, Boards of Revenue or like governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of school funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court, and County Treasurers of school funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such County Depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent if having on hand at any one time for a period of more than twenty-four hours more than

\$7,500.00, in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims." Approved March 10, 1933,

Committee on Judiciary.

By Mr. Dorsey:

S. 400. To provide a Commission-Manager form of government for all counties of the State of Alabama having a population of not less than 36,000 and not more than 36,600 population, according to the last Federal census and to provide procedure for an election to determine whether any such county shall adopt the form of government herein provided, to provide for the appointment of the Commissioners and their election, term of office and compensation, and to prescribe their powers and duties, to provide for a Manager to be elected by the Commission and removed at its pleasure; to fix his salary, prescribe his powers and duties; to provide a budget for such counties; publication of the budget, public information of the financial status of such counties, and to make it a misdemeanor to draw warrants against county funds in such counties when there are no funds in the treasury to the credit of the funds against which the warrant is drawn; to authorize such counties, through their managers, to make contracts, with reference to the construction of public highways, either with the State or adjoining counties; also in reference to health and quarantine laws, and their administration; to abolish the offices of Tax Collector and Tax Assessor of such counties at the expiration of the term of office of the officers holding such offices on the date of the adoption of this Act, and to provide for a Tax Agent, appointed by the Commission, and his assistants, to fix his salary and prescribe his duties in reference to assessment and collection of taxes; to prescribe the effective date of this Act and to repeal all laws in conflict herewith.

Committee on Local Legislation.

By Mr. Dorsey:

S. 401. To promote temperance and suppress the evils of intemperance; to discourage the violation of the state statutes forbidding the manufacture, sale, offering for sale of intoxicating liquors; to provide for an election in each of the counties of the state in which the qualified electors of each county shall, by a majority vote hereof, determine whether or not Alabama's present laws against the manufacture, sale, and distribution of prohibited liquors in each such county shall be modified therein; to provide for such elections from time to time in such counties to likewise determine said issue in such respective counties; and in counties authorizing the same by such election, to legalize, regulate, and control the manufacture, bottling, sale, distribution, transportation,

handling, advertising, possession, dispensing, drinking, and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation, or otherwise; to create a department of Alcoholic Beverage Control and an Alabama Alcoholic Beverage Control Board and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, costs, and expenses of such Board and its members, officers, agents, and employees; to provide for the manufacture, sale, and distribution of such alcoholic beverages by said Board; to provide for the sale and purchase at retail at state stores in such counties of alcoholic beverages of a higher alcoholic content than beer; to provide for the sale in such counties of beer at retail by such persons as shall be so authorized by the said Board; to authorize said Board to issue rules and regulations governing the manufacture, sale, and possession of such beverages in said counties; to make it a misdemeanor for any person to purchase any such beverages from any person or persons except those authorized by this act and by the Board under the provisions of this act; to make it a misdemeanor for any person to drink intoxicating liquors other than beer in a public place; to appropriate money for the administration of the act and to provide for the disposition of the net profits collected under the act; to provide for the confiscation and disposition of articles declared contraband hereunder; to impose penalties for violations of the act; to repeal all acts and parts of acts in conflict herewith, and to provide that this act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act."

Committee on Temperance.

By Mr. Walton:

S. 402. To provide aid to dependent children, to authorize the State Department of Public Welfare to administer such aid, to authorize the county departments of public welfare to administer such aid, under the supervision of the State Department of Public Welfare in the several counties, to authorize the County Board of Revenue or Court of County Commissioners or other governing body of the county to appropriate funds for aid to dependent children, and to authorize the State Department of Public Welfare to reimburse said counties for one-half of the sum so expended in the several counties under certain conditions.

Committee on Judiciary.

By Mr. McDowell:

S. 403. To amend an Act entitled "An Act to Amend Section 5742 of the Code of Alabama of 1923," approved July 23, 1931.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Riddle:

S. 392. To repeal an act entitled, "An Act to define sedition and prescribe the punishment therefor," which became a law under the Constitution of Alabama on July 31, 1935.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Buffington (with Notice and Proof):

H. 851. To prescribe the duties and fix the compensation of the Deputy Solicitor for St. Clair County, Alabama, and to repeal all laws and parts of laws in conflict with this Act.

By Mr. Cook (with Notice and Proof):

S. 378. To relieve all persons in Cleburne County, Alabama of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation, to work on the public roads in Cleburne County, Alabama.

By Mr. Tolbert (with Notice and Proof):

H. 831. To amend Section Three (3), Four (4), and Seven (7) on An Act Entitled An Act To Provide for the Election of a County Superintendent of Education For DeKalb County, Alabama, to fix his term of office, to provide his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office, approved September 19, 1923. Local Acts of Alabama, pages 211-212, 1923.

By Mr. Goolsby (with Notice and Proof):

H. 766. To regulate, fix, and limit, the duties and powers of the Court of County Commissioners of Escambia County, Alabama.

By Mr. Denson (with Notice and Proof):

H. 747. To repeal an Act of the General Assembly of Alabama, approved December 8, 1898, entitled "An Act to allow stock to run at large in Beat 12, Lee County, at certain seasons of the year."

By Mr. Taylor (with Notice and Proof):

H. 845. To provide for the appointment of a Chief Clerk by the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County), to fix the term of office of said Chief Clerk,

to prescribe the duties of said Chief Clerk and to require said Chief Clerk in addition to his work as Chief Clerk to do stenographic work for said Solicitor and also to work as an investigator for said Solicitor, to fix the compensation of said Chief Clerk, to provide that said compensation shall be paid out of the General Funds of the County Treasury of Mobile County, Alabama, and how the same shall be paid and to further provide that said salary of said Chief Clerk shall be a preferred claim against the County. By Mr. McDermott (with Notice and Proof):

H. 846. To provide for the appointment of an additional Assistant Solicitor to be known as the Second Assistant Solicitor of the Thirteenth Judicial Circuit of Alabama (Mobile County), to fix the term of said office, to prescribe the duties and authority of said additional Assistant Solicitor, to be known as the Second Assistant Solicitor and to fix his compensation, and to provide how said compensation shall be paid, and to provide that said salary shall be a preferred claim against the County. By Mr. Goodwyn:

H. 870. To regulate further the financing of public improvements, to permit the reduction or abatement of assessments therefor in certain cases, to provide for the refunding of bonds issued therefor and to validate proceedings heretofore taken relating thereto in cities having a population of as many a fifty thousand and less than one hundred thousand people according to the last Federal Census or any such census which may hereafter be taken. By Mr. Robertson (Cullman) (with Notice and Proof):

H. 880. To require the Court of County Commissioners, or like governing body of Cullman County, to appropriate annually out of the general fund of the County a sum not less than Five Thousand (\$5,000.00) Dollars; such sum to be a preferred claim and payable to the budget of the Cullman County Health Department for the establishment, maintenance and operation of a health department in said county. By Mr. Denson (with Notice and Proof):

H. 789. To provide for and regulate the assessment, levy and collection of Municipal taxes of the city of Opelika, in Lee County, Alabama, and to define the duties of State, County and Municipal offices and officers in regard thereto, and to fix the tax year for the said city of Opelika, and to make the Tax Collector of Lee County, Alabama, ex-officio collector of property taxes for the said city of Opelika.

By Mr. Byars (with Notice and Proof):

H. 840. To provide for an election to submit to the qualified electors of Lawrence County for their approval or rejection a proposal to issue bonds in an amount not exceeding \$130,000 for

the purpose of constructing and equipping a courthouse and jail building for said county; and to levy and collect taxes on all taxable property in said county at a rate not exceeding three mills, to provide a fund for the payment of said indebtedness and the interest thereon; and to provide for the issuance of said bonds and the levy of said tax over a period not exceeding twenty-five (25) years, in the event the said proposal is approved by the majority voting in said election; and to provide for the construction and equipping of said courthouse and jail building.

By Mr. Cook:

S. 377. To prescribe and regulate the salary and compensation of the members of the Courts of County Commissioners and/or Boards of Revenue and/or other Governing Bodies in all counties of Alabama, which now have or may hereafter have a population of less than fifteen thousand, according to the last, or any subsequent Federal Census and to provide the manner of payment and to repeal all laws and parts of laws in conflict with this act.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bill begs leave to report that said Committee, in session, have compared the following engrossed bill with the original bill, and finds same correctly engrossed, to-wit:

S. 365. To create a State Department of Public Welfare; to provide for a State Board of Public Welfare for the government thereof; to prescribe its powers and duties; to provide for the appointment of a Commissioner as Executive Officer and for the appointment of other employees, their compensation and the maintenance and other expenses of the State Department of Public Welfare; to transfer to the State Department of Public Welfare all the powers, duties, and obligations now vested in and relating to the State Child Welfare Department, except the administration of the State Child Labor Law, which may now or hereafter be transferred to the Department of Labor in the event such department be established; to transfer to the State Department of Public Welfare all those duties having to do primarily with the determination of need and authorization of relief now performed by the Alabama Relief Administration; to empower the State Department of Public Welfare to administer all public assistance funds, child welfare funds and all funds appropriated by the Legislature to the State Department of Public Welfare for the purposes for which they are appropriated; to authorize the State Department of Public Welfare to act as agent for and to cooperate with any Federal or State agency or enactment now or hereafter provided by law for

the purpose of rendering public assistance and services through any of the bureaus herein created; to authorize the State Board of Public Welfare to create such other bureaus and divisions within the purview of this Act as may be necessary for its administration and to prescribe rules and regulations governing the same; to authorize the State Board of Public Welfare to prescribe adequate standards of education, training and experience which must have been attained by persons selected for the positions to be filled in each of the bureaus and divisions of the State Department of Public Welfare and in the several county departments of public welfare; to authorize the State Board of Public Welfare to issue certificates to such persons as may meet the qualifications prescribed; to provide a mental hygiene program of non-institutional care; to authorize the State Department of Public Welfare to collect statistics and other information relative to public welfare and to make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for public assistance, family welfare, child welfare and other welfare activities; to create county departments of public welfare and to provide for county boards of public welfare for the government thereof; to prescribe their powers and duties; to transfer to the county boards of public welfare and the county departments of public welfare all rights, duties, powers and obligations of the present county child welfare boards; to authorize the county departments of public welfare, operating under the county boards of public welfare, to act as agents for and to cooperate with any Federal, State or County agency or enactment now or hereafter provided by law for the purpose of rendering public assistance, family welfare services and child welfare services; and to repeal all laws in conflict herewith.

Vernon L. St. John,
Chairman.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 326. To declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public

utilities are subject to regulation by said Commission under said Act.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested:

H. J. R. 261. Relative to death of Will Rogers and Wiley Post.

E. F. Taylor,
Clerk.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 118. To provide for a license inspector in all counties in the State of Alabama having more than one hundred fifty thousand population, according to the last or any succeeding Federal census; to fix his compensation and define his duties.

Also:

H. 512. To Amend an Act "To require that all county officers in all counties which now have or may hereafter have a population of less than eighteen thousand according to the last or any subsequent Federal Census to pay premium on official bond" approved April 4, 1933—being House bill No. 275, page 102 of General & Local Acts of Alabama, extra session 1933.

Also:

H. 587. To authorize the County Commission, Board of Revenue or other governing body of Walker County, to build, equip, maintain, and operate a County Hospital within said county, and to appropriate out of the County Treasury such sums of money as are necessary for the operation of said hospital; to provide for the appointment of a hospital board by the said County Commission, Board of Revenue or other governing body of said county, to operate said hospital; to provide for a secretary to said hospital board and fix his salary and prescribe his duties; and to make such rules and regulations as are necessary for the maintenance and operation of said hospital.

Also:

H. 733. To validate and make payable out of the Fine and Forfeiture Fund of Autauga County, Alabama, outstanding warrants due the present Judge of the Civil and Criminal Court of Autauga County, Alabama, and to provide the manner of payment of the same, and the registration of said warrants.

Also:

H. 786. To amend Section 11 of an Act of the Legislature approved August 15, 1923, entitled "An Act to amend an Act approved September 25th, 1915, entitled: 'An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;' and to provide for the going into effect of the various sections of said Act as amended;" to provide for the qualifications, appointments, selection, employment, terms, regulations, compensation and removal of certain employees in such cities.

Also:

H. 822. To make further provision for the alteration or rearrangement of the boundary lines of the City of Montgomery, in the County of Montgomery, and State of Alabama, by the inclusion within the corporate limits of said City of the territory now or formerly included within the towns of Capitol Heights and Cloverdale, and certain other territory.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Wallace (by request):

H. 547. To provide funds for the maintenance and operation of public libraries situated in counties of the State of Alabama having not less than 100,000 nor more than 200,000 population.

Also:

By Mr. Delony:

H. 771. For the Relief of Frank M. Barry, and to authorize, empower and direct the Court of County Commissioners of Colbert County, Alabama, and the County Depository of said County to pay to the said Frank M. Barry out of any money in the County Treasury, not otherwise appropriated, in order to reimburse Frank M. Barry for an overpayment made by him to the County Treasury through the Probate Judge of Colbert County, Alabama, in redeeming certain property sold for taxes, state and county, in the year 1932.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE FOR PUBLICATION A BILL

To be Entitled An Act for the Relief of Frank M. Barry, and to authorize, empower and direct the Court of County Commissioners of Colbert County, Alabama, and the County Depository of said County to pay to the said Frank M. Barry out of any money in the County Treasury, not otherwise appropriated, in order to reimburse Frank M. Barry for an overpayment made by him to the County Treasury through the Probate Judge of Colbert County, Alabama, in redeeming certain property sold for the State and County taxes in the year 1932.

Section 1. Be it enacted by the Legislature of Alabama that the Court of County Commissioners and the County Depository of Colbert County, Alabama, are hereby authorized, empowered and directed to pay to the said Frank M. Barry the sum of \$193.04 out of any money in said County Treasury, not otherwise appropriated in order to reimburse the said Frank M. Barry for an overpayment made into the County Treasury by him through the Probate Judge of Colbert County, Alabama, in redeeming certain property sold for taxes, State and County, in the year 1932.

Dated April 15, 1935.

Frank M. Barry.

THE STATE OF ALABAMA, }
COLBERT COUNTY. }

Before me, the undersigned authority, personally appeared R. M. Wimpee who being by me first duly sworn deposes and says that he is the editor of the Muscle Shoals News, a newspaper of general circulation, published in Colbert County; and that the foregoing notice of publication given by Frank M. Barry in the Muscle Shoals News for four (4) successive weeks, and appeared in the following issues:

June 6, 1936; June 13, 1935; June 20, 1936; and June 27, 1935.

R. M. Wimpee.

Sworn to and subscribed before me on this the 9th day of July, 1935.

John E. Delony, Jr.,
Notary Public.

(Seal)

Also:

By Mr. Owen (Etowah):

H. 773. To allow the Register in Chancery of the Circuit Court of Etowah County, Alabama, a clerk; to provide for the appointment and tenure of office of said clerk; to fix the salary of said clerk and to make the same payable out of the general funds of Etowah County in monthly installments; to provide that the Board of Revenue may discontinue and re-instate said allowance from time to time.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is given that at the present session or any adjournment thereof of the Legislature of Alabama the following bill will be introduced in an effort to enact the same into law, to-wit:

AN ACT

To allow the Register in Chancery of the Circuit Court of Etowah County, Alabama, a clerk; to provide for the appointment and tenure of office of said clerk; to fix the salary of said clerk and to make the same payable out of the general funds of Etowah County in monthly installments.

Be It Enacted By the Legislature of Alabama:

Section One. That the Register in Chancery of the Circuit Court of Etowah County, Alabama, is allowed one clerk, to be appointed by said Register and to hold office during the pleasure of said Register, which said clerk shall receive a salary of \$900.00 per annum, to be paid in monthly installments out of the General Funds of said County.

Section Two: That on the first day of each month a statement of the name and amount due said clerk shall be furnished to the Board of Revenue by the said Register in Chancery and it shall thereupon be the duty of said Board to order a warrant drawn upon the General Funds of the County payable to said clerk for the amount of one month's salary as hereinabove provided.

Section Three: That all laws and parts of law in conflict with this Act are hereby expressly repealed, and this Act shall be in full force and effect from the date of its approval by the Governor.

THE STATE OF ALABAMA, }
ETOWAH COUNTY. }

Personally appeared before me, Blanche Whitt, Notary Public of said A. F. Leavitt, publisher of The Etowah Observer, a newspaper published in Etowah County, Alabama, who makes oath and says that the notice hereto attached, marked as Exhibit A., was published in the said The Etowah Observer once a week for 4 consecutive weeks, commencing on the 6th day of June and ending on the 27th day of June, 1935.

Subscribed to and sworn before me on this the 28 day of June, 1935.

(Signed) A. F. Leavitt,
Publisher.
(Signed) Blanche Whitt,
Notary Public.

My commission expires 5-22-37.

Also:

By Mr. Robertson (Cullman):

H. 854. To abolish the office of Deputy Solicitor of Cullman County, Alabama, to fix the time when such office shall be abolished, and to provide that such bill shall not affect any general, special or local laws except as herein provided for.

With notice and proof thereto attached and herewith exhibited as follows:

Take notice that the following bill will be introduced and passed at the 1935 session of the Legislature of Alabama.

A BILL TO BE ENTITLED AN ACT

To abolish the office of Deputy Solicitor of Cullman County, Alabama, to fix the time when such office shall be abolished, and to provide that such bill shall not effect any general, special or local laws except as herein provided for.

Be it enacted by the Legislature of Alabama:

Section 1. That the office of Deputy Solicitor Cullman, Alabama, be and the same is hereby abolished, effective on the first Monday after the second Tuesday in January, 1939.

Section 2. That all laws, local special or general, in conflict with the provisions of this act, and only such laws are hereby repealed.

Section 3. This act shall go into effect on the first Monday after the second Tuesday in January, 1939.

THE STATE OF ALABAMA, }
CULLMAN COUNTY. }

Before me H. H. Kinney a Notary Public in and for said County and State, personally appeared J. C. Norwood, Publisher of The Cullman Tribune, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week, for 4 successive weeks and being in the issues of said newspaper of the following dates, viz: June 20-27-July 4-11, 1935.

J. C. Norwood,
Publisher.

Sworn to and subscribed before me this the 1st day of August, 1935.

(Seal) H. H. Kinney,
Notary Public.

Also:

By. Mr. Robertson (Cullman):

H. 855. To create the office of County Solicitor of Cullman County, Alabama, to provide for the election of such officer by the qualified voters of said county, to prescribe his powers, duties and qualifications, to provide for his compensation, fix the term of his office, provide for the election, and the time of the election of his successor, to provide for the furnishing to him of suitable offices, telephones, postage and stationery and to provide for the payment of such rents, telephone calls, postage and stationery, to require him to act as attorney for the county court of county commissioners and the county board of education, to repeal all general and local laws in conflict herewith so far as they relate to said county.

With notice and proof thereto attached and herewith exhibited as follows:

Take notice that the following bill will be introduced and passed at the 1935 session of the Legislature of Alabama.

A BILL TO BE ENTITLED AN ACT

To create the office of County Solicitor of Cullman County, Alabama, to provide for the election of such officer by the qualified voters of said county, to prescribe his powers, duties and qualifications, to provide for his compensation, fix the term of his office, provide for the election, and the time of the election of his successor, to provide for the furnishing to him of suitable offices, telephones, postage and stationery and to provide for the payment of such rents, telephone calls, postage and stationery, to require him to act as attorney for the county court of county commissioners and the county board of education, to repeal all general and local laws in conflict herewith so far as they relate to said county.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of county solicitor of Cullman County, Alabama. The County Solicitor hereby created shall be elected by the qualified voters of said county at the general election to be held in November, 1938 and each four years thereafter. Such solicitor shall hold office for a term of four years beginning on the first Monday after the second Tuesday in January, 1939, and until his successor is elected and qualified. The term of such office shall be four years.

Section 2. The County Solicitor hereby created shall be learned in the law and licensed to practice law under the laws of Alabama, and must be a resident citizen and qualified elector of Cullman County, Alabama.

Section 3. It shall be the duty of the County Solicitor of Cullman County to represent the State of Alabama in all criminal and quasi-criminal cases in the County Court of Cullman County, to represent the State in preliminary proceedings in felony cases and habeas corpus proceedings arising in Cullman County. To aid or act for the Circuit Solicitor before the Grand Jury in all matters in the Circuit Court and the performing of the duties of the Circuit Solicitor in his absence. That the said county solicitor shall be clothed with all other powers and shall be charged with all duties now given or imposed upon the Deputy Solicitor of said Cullman County, Alabama, by any laws now in force or which may be given or imposed by any laws hereafter passed and adopted by the Legislature of this State.

Section 4. That the County Solicitor of Cullman County, Alabama, shall receive a salary of Twelve Hundred Dollars per year to be paid out of the general Fund of said County, in Twelve equal installments in the same manner as was paid the Deputy Solicitor of said County prior to the abolition of said office.

Section 5. It is the intention of this act that said County Solicitor shall take the place of the Deputy Solicitor of said County and prosecute all cases in which the Deputy Solicitor is required to prosecute. And all laws in force pertaining to the Deputy Solicitor of Cullman County prior to the abolition of said office shall remain in force and apply to the County Solicitor hereby created except those in conflict with the provisions of this act.

Section 6. It shall be the duty of the Commissioner's Court of Cullman County, Alabama, to furnish, rent free, a suitable office in the Court House, or other convenient place, at the County site, and in addition shall furnish a telephone for his office, pay the same and also pay for all telephone calls in connection with the proper and efficient discharge of the duties of the office and for postage used in connection with the discharge of his official duties. Proof of salary and other items herein provided for shall be made against the County of Cullman as other claims are made, allowed and paid, except that same shall be a preferred claim against the general revenue of the county.

Section 7. It shall be the duty of the County Solicitor to act as attorney for the County Board of Education and the Court of County Commissioners, or of any like or similar governing body of said county.

Section 8. That if for any reason any section, provision or clause of this act shall be held unconstitutional or invalid then that fact would not destroy the constitutionality of this act, except as to that clause or section.

Section 9. All laws or parts of laws both local and general in conflict with the provisions of this act are hereby repealed insofar as they relate to Cullman County.

Section 10. That this act shall go into effect upon the approval by the Governor.

THE STATE OF ALABAMA, }
CULLMAN COUNTY. }

Before me H. H. Kinney a Notary Public in and for said County and State personally appeared J. C. Norwood, Publisher of The Cullman Tribune, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week, for 4 successive weeks and being in the issues of said newspaper of the following dates, viz: June 20-27-July 4-11, 1935.

J. C. Norwood, Publisher.

Sworn to and subscribed before me this the 1st day of August, 1935.

(Seal)

H. H. Kinney,
Notary Public.

Also:

By Mr. Street:

H. 866. To relieve all persons of any legal obligations to work on public roads in Tallapoosa County, Alabama, or pay any money in lieu of such legal obligations, to work on the public roads in Tallapoosa County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL TO BE ENTITLED AN ACT

To relieve all persons of any legal obligations to work on public roads in Tallapoosa County, Alabama, or pay any money in lieu of such legal obligations, to work on the public roads in Tallapoosa County, Alabama. Be it enacted by the Legislature of Alabama:

Section 1. That all persons shall be relieved of any legal obligation to work on the public roads of Tallapoosa County, Alabama, or to pay any money in lieu of such legal obligation to work on the public roads of Tallapoosa County, Alabama.

Section 2. That all laws, both general and local, in conflict herewith be, and the same are hereby repealed.

Section 3. That this Act shall take effect upon its approval by the Governor.

T. H. Street, Representative.

August 5, 1935.

STATE OF ALABAMA, }
TALLAPOOSA COUNTY, }

Before me a Notary Public in and for said State and County appeared E. C. Hall, who being duly sworn, deposes and says that he is the Editor of The Alexander City Outlook, a newspaper published in said State and County, and that the attached notice entitled a Local Bill appeared in four consecutive issues of said newspaper, on to-wit; July 4, 11, 18 and 25, 1935 and that the attached is a true copy.

E. C. Hall,
Editor The Alexander City Out.
Mrs. Eunice Milbanks,
Notary Public.

(Seal)

My Commission expires Jan. 23rd. 1939.

Also:

By Mr. Cox:

H. 869. To authorize the sheriff of Chilton County, Alabama to appoint a special or general deputy, fix his tenure of office, prescribe his duties, fix his compensation and to authorize and require the Court of County Commissioners to pay the same by warrant drawn on the treasurer and paid out of the general funds of said County, and to require said deputy to give bond in the sum of \$2000.00 payable to said sheriff with conditions as required by Section 2595 of the Code of Alabama, 1923.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

To authorize the sheriff of Chilton County, Alabama to appoint a special or general deputy, fix his tenure of office, prescribe his duties, fix his compensation and to authorize and require the Court of County Commissioners to pay the same by warrant drawn on the treasurer and paid out of the general funds of said County, and to require said deputy to give bond in the sum of \$2000.00 payable to said sheriff with conditions as required by Section 2595 of the Code of Alabama, 1923. Be it enacted by the Legislature of Alabama:

1. That the Sheriff of Chilton County, Alabama is hereby authorized and empowered to appoint a special and general deputy, who shall hold office at the pleasure of the sheriff, and who shall perform such services as said sheriff may require of him, either as field deputy or other such services as said sheriff may direct in the line and scope of duty pertaining to the sheriff's office.

2. That said deputy, to be designated by the sheriff at the time of appointing, shall receive as compensation not less than \$75.00 per month and not more than \$100.00 per month, payable monthly.

3. That the Court of County Commissioners of Chilton County, Alabama, is hereby authorized and required to draw warrants in favor of such deputy on the treasurer of said County each month for the preceding month's work on the certificate of the said sheriff that said work has been performed for such amount as is provided in Section Two of this Act, said warrants to be paid out of the general funds of said County.

4. That said sheriff may require such deputy to make bond payable to him in the sum of \$2000.00 conditioned as required by Section 2595 of the Code of Alabama, 1923.

5. That this Act shall take effect upon its approval by the Governor.

6. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

C. B. Cox,
Representative.

STATE OF ALABAMA, }
CHILTON COUNTY. }

Before me, the undersigned Notary Public in and for said State and county, personally appeared Billy Smith, who being duly sworn, states that he is the Publisher of the Chilton County News, a newspaper published in said state and county, and that the attached Notice of "An Act" was published in said newspaper for four consecutive issues, dated June 27, 1935; July 4, 1935; July 11, 1935 and July 18, 1935.

Billy Smith, Publisher.

Sworn and subscribed to before me this the 5 day of August, 1935.

J. H. Atkinson,
Notary Public.

Also:

By Mr. Robertson (Cullman):

H. 878. To regulate the maintenance, repair and construction of the Roads and Bridges of Cullman County, Alabama; to create the office of Road and Bridge Superintendent for Cullman County, Alabama, to prescribe the qualifications, powers and duties of said Superintendent, to provide for his appointment, to fix his salary and term of office, and to require him to give bond, and to relieve the Judge of Probate and County Commissioners of all road duties, and to provide that said Commissioner shall receive no compensation for any road services that may be rendered.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced in the Legislature of Alabama during the present session, or at any adjourned or special session thereof, the purport of which will be to create the office of Road and Bridge Superintendent for Cullman County, Alabama, the wording of which bill will be substantially as set out below:

A BILL TO BE ENTITLED AN ACT

To create the office of Road and Bridge Superintendent for Cullman County, Alabama, to prescribe the qualifications, powers and duties and said Superintendent to provide for his appointment, to fix his salary and term of office, and to require him to give bond, and to relieve the Judge of Probate and County Commissioners of all road duties and deprive them of any compensation for road services.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby created in and for Cullman County, Alabama, the office of Road and Bridge Superintendent, which office shall be held and administered by a competent road builder who shall be skilled in the work of constructing roads and bridges, and who shall have executive ability sufficient to qualify him to exercise the duties of the office. The said Road and Bridge Superintendent shall be appointed by the State Highway Commission of Alabama within thirty days after the approval of this act, and the term for which he is first appointed shall expire on Monday after the second Tuesday in January, 1937, or when his successor shall have been appointed and qualified, and for a two year term following the first appointment made hereunder, said terms beginning on Monday after the second Tuesday in January. The said Superintendent shall be paid a salary of not less than \$200.00 nor more than \$250.00 per month, which salary shall be paid out of the road and bridge fund of Cullman County. The said Road and Bridge Superintendent shall be required to provide at his own expense, a suitable passenger automobile, for use in the performance of his duties and he shall be allowed not exceeding \$50.00 monthly for gasoline and maintenance of said automobile. Said maintenance or expense account shall be filed monthly, setting out in itemized form, the total expenses and for what purpose made. The appointee made by the State Highway Commission hereunder must meet the approval of the Representative from Cullman County in the Legislature of Alabama, and shall be subject to removal on complaints filed with the said Highway Commission and duly substantiated.

Section 2. The said County Road Superintendent shall have the exclusive supervision and care of maintaining, repairing and improving the public roads and bridges of the County, and he may build or Construct new roads and bridges when, in his judgment, such new roads and bridges are desirable and demanded by the public interest. The said Superintendent shall also have entire supervision over and shall fix the compensation of all overseers, workmen, and laborers required for constructing or maintaining the roads and bridges of the county, and shall purchase necessary road machinery and other equipment upon the terms set out in this act.

Section 3. That before entering upon the duties of his office, said Superintendent shall make and enter into a surety bond of not less than Five Thousand (\$5,000.00) Dollars conditioned payable to Cullman County, Alabama for the faithful discharge and performance of the duties of his office and for the faithful accounting for all moneys and property of the said County which may come into his possession, or for which he is responsible, which said bond must be made by a surety company authorized and qualified to do business in the State of Alabama.

Section 4. That the said Superintendent shall render quarterly statements to the public showing all moneys received and spent during the three months period, said statements to be published in condensed form in a newspaper published in the City of Cullman by one insertion only within ten days after the first days of January, April, July and October of each year.

Section 5. Said Superintendent is authorized to employ a competent

clerk or office assistant at a salary of not more than One Hundred (\$100.00) monthly, who shall have charge of all records having reference to receipt and payment of money, and shall keep such county records and correspondence as may be necessary to provide a complete record of all transactions concerning the building and maintaining of roads in Cullman County, and the records kept by the said clerk shall at all times be open to public inspection during the office hours of each week day from 8 a. m. to 5 p. m.

Section 6. That the said Road and Bridge Superintendent shall be clothed with full authority to incur such necessary expenses as may be deemed proper for the building and improving of the roads of the County, but all purchases of machinery must be made in accordance with the State law requiring the advertising for bids for machinery, the purchase of which is contemplated, and it shall be unlawful, and is hereby declared a misdemeanor to expend any funds accruing to the Road and Bridge Fund of Cullman County for any purpose other than the construction, repair and maintenance of roads and bridges, or for expenses actually incident thereto.

Section 7. That all funds coming into the County Treasury from the distribution of the state gasoline tax to the county or from the automobile license tax collected in the County or the special road and bridge tax, shall be held by the County Treasury in a special Road and Bridge Fund, which fund shall be paid out by the County Depository only on warrants signed by the Road and Bridge Superintendent and countersigned by the clerk herein provided for. The said Superintendent shall carefully estimate total annual receipts of the County Road and Bridge Fund, and it shall be a misdemeanor to incur indebtedness for any purpose or purposes, or to make contracts calling for the expenditure of Road and Bridge Funds in any one year in excess of the total estimated receipts of such funds. Provided, however, that said Superintendent is hereby permitted, and it shall be his duty, to pay any existing valid indebtedness against the said Road and Bridge Fund existing when he takes office, including any and all interest on Bonds of the County heretofore, or that may hereafter be issued for the purpose of building or constructing Roads and Bridges in Cullman County, Alabama.

Section 8. That the said County Road Superintendent shall have the authority and it shall be his duty to employ from citizens of Cullman County such foremen and laborers as may be required to efficiently care for the roads of the County with the funds provided therefor; and he shall be held responsible for any failure or neglect of any person or persons employed by him to satisfactorily perform the duties assigned.

Section 9. That not less than one-third of the Road and Bridge Funds accruing in any one year must be spent for some type of improved roads, and improved roads shall be held to mean some type of surface, either stone, chert, or tar-bound macadam, or other low cost type of road. Such improved roads shall be constructed wholly in accordance with plans and specifications of the State Highway Commission who shall direct and prescribe all construction of improved roads and shall give general instructions respecting the improving of graded roads as well as the construction of bridges.

Section 10. That the Judge of Probate and the Board of County Commissioners of Cullman County are hereby relieved from and absolved from all responsibility or authority relating to the roads and bridges of Cullman County, which said authority is hereby conferred on the County Road and Bridge Superintendent herein created, nor shall either entitled to receive any compensation for road services.

Section 11. That the said Road Superintendent shall prepare a map or sketch of the County showing the location of all public roads of the

County, and indicating the character of improvements which have been made on each road, a tracing of which map or sketch shall be made and deposited for safe keeping in his office in the City of Cullman, Alabama.

Section 12. That said Road Superintendent shall be custodian of all road tools and machinery of Cullman County, and it shall be his duty to properly house and take care of same, except where such tools and machinery are being used on the roads for road work. To this end, the Road Superintendent is given all incidental powers necessary to carry this Section into effect.

Section 13. That said Road Superintendent shall be accountable at all times for each and all of the tools, machinery, gasoline, motor fuel, materials, or other road supplies belonging to Cullman County.

Section 14. The said Road and Bridge Superintendent shall maintain and keep open a suitable office, accessible to the public, at some point in the City of Cullman, with the clerk mentioned in Section 5, on duty each business day, and if unable to secure a suitable office otherwise, he is hereby authorized to pay such reasonable rent as may be necessary to secure such office, said rent, as well as necessary office equipment, shall be paid for out of the Road and Bridge Fund of Cullman County.

Section 15. That if any clause, sentence, section or part of this act shall be declared invalid, it shall not render the remaining parts of the same invalid, but they shall remain in full force and effect.

Section 16. That all laws and parts of laws in conflict herewith are hereby repealed.

Section 17. This act shall take effect on and after its approval by the Governor.

THE STATE OF ALABAMA, }
CULLMAN COUNTY. }

Before me H. H. Kinney a Notary Public in and for said County and State, personally appeared J. C. Norwood, Publisher of The Cullman Tribune, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week, for four successive weeks and being in the issues of said newspaper of the following dates, viz: July 18th and 25th and August 1st and 8th, 1935.

J. C. Norwood,
Publisher.

Sworn to and subscribed before me this the 8th day of August, 1935.

(Seal) H. H. Kinney,
Notary Public.

Also:

By Mr. Taylor:

H. 881. To promote the efficiency of the paid Fire Department of the City of Mobile, to provide a two platoon system in said City for said fire department, and to define the conditions under which the same shall be operated; to provide power and authority for the City Commissioners in case of serious conflagration, riot or other emergency, to provide for the granting of vacations with pay to said members of said Fire Department; to provide for the manner and notice of hearing charges preferred against members in said Fire Department of the City of Mobile; to provide for full power in the said City Commission to make rules and regulations

not in conflict with this act; and to provide for the repeal of any law, or laws, or parts thereof, or of any City Ordinance or Fire Department rules or regulations or parts thereof which are contrary to the provisions of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL TO BE ENTITLED AN ACT

To promote the efficiency of the paid Fire Department of the City of Mobile, to provide a two platoon system in said City for said fire department, and to define the conditions under which the same shall be operated, to provide power and authority for the City Commissioners in case of serious conflagration, riot or other emergency, to provide for the granting of vacations with pay to said members of said Fire Department; to provide for the manner and notice of hearing charges preferred against members in said Fire Department of the City of Mobile; to provide for full power in the said City Commission to make rules and regulations not in conflict with this act; and to provide for the repeal of any law, or laws, or parts thereof or of any City Ordinance or Fire Department rules or regulations or parts thereof which are contrary to the provisions of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. In the interest of efficiency in the maintenance and operation of the Fire Department of the City of Mobile that the following shall apply.

Section 2. The Chief of the Fire Department of the City of Mobile shall upon the passage and approval of this Act divide the members of the Fire Department of the City of Mobile into two bodies or platoons, one to perform day service and the other to perform night service, the day body or platoon to go on duty at 8:00 A.M. and off duty at 6:00 P.M., and the night body or platoon to go on duty at 6:00 P.M., and said night body or platoon to go off duty at 8:00 A.M., provided, however, that on every third day, for the purpose of alternating the day force with the night force and vice versa, and for the purpose of giving one force or platoon of men twenty-four hours off duty every six days, the force or platoon of men who go on duty at 8:00 A.M. on said third day thereafter will remain on duty until 8:00 A. M. the following morning. The members of said Fire Department shall not be required to perform any hours of service longer than those hereinabove set forth, except as otherwise hereinafter provided. Equal recognition and compensation shall be received for equal performance of duty and responsibility, provided further that the Chief of the Fire Department, with the approval of the Commissioner of the City of Mobile who shall be then acting as Fire Commissioner, shall have the authority to transfer a fireman from one platoon to another whenever such action shall be deemed to be for the good of the service.

Section 3. In case of serious conflagration, riot or other emergency, the Commissioners of the City of Mobile shall have full power and authority to summon, assign and keep on continuous duty any or all of the members of said Fire Department for so long a time as an emergency shall exist.

Section 4. Each member of said Fire Department shall be entitled to an annual vacation of fifteen (15) consecutive days with full pay and the right to said annual vacation shall not be forfeited by any member of the said Fire Department who is ill and unable to be on duty, nor the duration of said vacation diminished thereby unless illness is occasioned by his own willful misconduct or culpable indiscretion.

Section 5. The two platoon system herein established shall not apply to the Chief of the Fire Department, First Assistant Chief, Second Assistant Chief, Third Assistant Chief, Acting Chief or Secretary to the Chief, who shall remain on duty at such times as the Chief of the Fire Department shall direct.

Section 6. In case any member of said Fire Department shall be brought or called before the Chief of the Fire Department or the Commissioners of the City of Mobile, or any one or more of them on charges, which may possibly result in a finding of guilt and in his being dismissed, suspended or otherwise disciplined, such member shall be entitled to three days' notice in writing of the accusation preferred against him, shall be allowed to obtain counsel and shall be given a reasonable time to prepare his defense; and he shall be confronted with the witnesses against him, and have the right, either in person or through his counsel, to examine or cross-examine such witnesses.

Section 7. The Board of Commissioners of the City of Mobile are hereby vested with full power and authority to make and adopt rules and regulations not in conflict with the provisions of this Act for the government and management of the said Fire Department.

Section 8. All laws or parts of laws in conflict herewith are expressly repealed.

Section 9. Be it further enacted that in the event that any Section or provision of this Act shall be held or deemed unconstitutional or invalid for any reason, the remaining sections and provisions of the Act shall not be affected thereby.

Section 10. This Act shall go into effect upon its passage and approval. J. G. McDonnell, being sworn, says that he is clerk of The Mobile Press and The Mobile Register; daily newspapers printed and published in the city and county of Mobile, state of Alabama; and that the attached notice appeared in the issues of The Mobile Register July 2-9-16-23, 1935.

Sworn to and subscribed before me this 5th day of August 1935.

(Seal)

J. G. McDonnell.
Carl M. Smith,
Notary Public.

Also:

By Mr. Taylor:

H. 882. To provide that the Board of Revenue, or like governing body, of Mobile County shall appropriate for the protection, conservation, and promotion of the public health as recommended by the County Health Officer and approved by the County Board of Health, not less than fifteen cents per capita for the fiscal year 1935-1936, not less than twenty cents per capita for the fiscal year 1936-1937, not less than twenty-five cents per capita for the fiscal year 1937-1938, and not less than thirty cents per capita for the fiscal year 1938-1939 and for each fiscal year thereafter, each amount being based on the total population of said County as ascertained by the last United States Census preceding a fiscal year, and payable in equal monthly installments from the general fund of the County; to repeal all laws and parts of laws in conflict with this act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present session of the Legislature of Alabama, a Bill will be introduced and an effort made to have the same enacted into law, which Bill will provide in substance as follows:

Be It Enacted By The Legislature of Alabama:

Section 1. That the Board of Revenue, or like governing body, of Mobile County shall appropriate to the Mobile County Health Department for the protection, conservation and promotion of the public health as recommended by the County Health officer and approved by the County Board of Health, the sums described below, each amount being based on the total population of said County as ascertained by the last United States Census preceding a fiscal year, and payable in equal monthly installments as preferred claims on the general fund:

For the fiscal year beginning October 1, 1935, not less than fifteen (15) cents per capita;

For the fiscal year beginning October 1, 1936, not less than (20) cents per capita;

For the fiscal year beginning October 1, 1937, not less than twenty-five (25) cents per capita;

For the fiscal year beginning October 1, 1938, and for each fiscal year thereafter not less than thirty (30) cents per capita.

Section 2. All laws and parts of laws in conflict with this act are hereby expressly repealed.

J. G. McDonnell, being sworn, says that he is clerk of The Mobile Press and The Mobile Register; daily newspapers printed and published in the city and county of Mobile, state of Alabama; and that the attached notice appeared in the issues of The Mobile Press July 16-23-20-Aug. 6, 1935.

J. G. McDonnell.

Sworn to and subscribed before me this 7th day of Aug. 1935.

Carl M. Smith,
Notary Public.

(Seal)

Also:

By Mr. Taylor:

H. 882. To provide that the Board of Revenue, or like governing body, of Mobile County shall appropriate for the protection, conservation, and promotion of the public health as recommended by the County Health Officer and approved by the County Board of Health, not less than fifteen cents per capita for the fiscal year 1935-1936, not less than twenty cents per capita for the fiscal year 1936-1937, not less than twenty-five cents per capita for the fiscal year 1937-1938, and not less than thirty cents per capita for the fiscal year 1938-1939 and for each fiscal year thereafter, each amount being based on the total population of said County as ascertained by the last United States Census preceding a fiscal year, and payable in equal monthly installments from the general fund of the County; to repeal all laws and parts of laws in conflict with this act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present session of the Legislature of Alabama, a Bill will be introduced and an effort made to have the same enacted into law, which Bill will provide in substance as follows:

Be It Enacted By the Legislature of Alabama:

Section 1. That the Board of Revenue, or like governing body, of Mobile County shall appropriate to the Mobile County Health Department for the protection, conservation and promotion of the public health as recommended by the County Health officer and approved by the County Board of Health, the sums described below, each amount being based on the total population of said County as ascertained by the last United States Census preceding a fiscal year, and payable in equal monthly installments as preferred claims on the general fund:

For the fiscal year beginning October 1, 1935, not less than fifteen (15) cents per capita;

For the fiscal year beginning October 1, 1936, not less than twenty (20) cents per capita;

For the fiscal year beginning October 1, 1937, not less than twenty-five (25) cents per capita;

For the fiscal year beginning October 1, 1938, and for each fiscal year thereafter not less than thirty (30) cents per capita.

Section 2. All laws and parts of laws in conflict with this act are hereby expressly repealed.

J. G. McDonnell, being sworn, says that he is clerk of The Mobile Press and The Mobile Register; daily newspapers printed and published in the city and county of Mobile, state of Alabama; and that the attached notice appeared in the issues of The Mobile Rress July 16-23-30-August 6, 1935.

J. G. McDonnell.

Sworn to and subscribed before me this 7th day of August, 1935.

Carl M. Smith,

Notary Public.

(Seal)

Also:

By Mr. Bulger:

H. 883. To amend Sections 1 and 2 of an act approved July 17, 1931, entitled an act.

To provide and require the the Sheriff of Tallapoosa County, Alabama, shall appoint and maintain a regular Deputy Sheriff at each of the following places in said county, to-wit: Dadeville, Alexander City and Tallassee. To prescribe the duties of such deputies and to provide for their compensation and the payment thereof by said county, and to fix the amount of such compensation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that a local bill will be introduced in the present regular session of the Legislature of Alabama the substance of which shall be as follows:

A BILL TO BE ENTITLED AN ACT

To amend Sections 1 and 2 of an act approved July 17, 1931, entitled an act.

"To provide and require that the Sheriff of Tallapoosa County, Alabama, shall appoint and maintain regular Deputy Sheriff at each of the following places in said county, to-wit: Dadeville, Alexander City and Tallassee. To prescribe the duties of such deputies and to provide for their compensation and the payment thereof by said county, and to fix the amount of such compensation."

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1 of An Act entitled An Act "To provide and require that the Sheriff of Tallapoosa County, Alabama, shall appoint and maintain a regular Deputy Sheriff at each of the following places in said county, to-wit: Dadeville, Alexander City and East Tallassee. To prescribe the duties of such deputies and to provide for their compensation and the payment thereof by said county, and to fix the amount of such compensation" be and the same is hereby amended so as to read as follows: That the Sheriff of Tallapoosa County, Alabama, is authorized and required to appoint and maintain a regular deputy sheriff at each of the following places in said county, to-wit: One at Dadeville in said county, one at Alexander City in said county, and one at East Tallassee in said county, whose office shall be in said above named places respectively.

Section 2. That Section 2 of An Act entitled An Act "To provide and require that the Sheriff of Tallapoosa County, Alabama, shall appoint and maintain a regular Deputy Sheriff at each of the following places in said county, to-wit: Dadeville, Alexander City and Tallassee. To prescribe the duties of such deputies and to provide for their compensation and the payment thereof by said county, and to fix the amount of such compensation," be and the same is hereby amended so that to read as follows: That the salary of each of said Deputy Sheriffs shall be as follows: The deputy appointed at Dadeville in said county shall be eighteen hundred dollars (\$1800) per annum, to be paid by said Tallapoosa County out of the general funds of said county in equal monthly installments on warrants drawn by the Judge of Probate of said county, payable on the first day of each month, the deputy appointed for Alexander City in said county, salary shall be eighteen hundred dollars (\$1800) per annum, to be paid by said Tallapoosa County out of the general funds of said county in equal monthly installments on warrants drawn by the Judge of Probate of said county payable on the first day of each month, the deputy appointed for East Tallassee in said county, salary shall be fifteen hundred dollars (\$1500) per annum, to be paid by Tallapoosa County out of the general funds of said county in equal monthly installments on warrants of said county payable on the first day of each month.

Section 3. That each of said Deputy Sheriffs before entering upon his duties as such Deputy Sheriff shall take and file with the Judge of Probate of said county the oath of office required by law, and in accordance with the provisions of the Constitution of Alabama, and shall execute and file a bond with good and sufficient surety in the sum of not less than one thousand dollars and not more than three thousand dollars, the amount of same to be fixed by the Sheriff, to be payable to and approved by the Sheriff of said county, and conditioned for the faithful performance and discharge of his duties as such Deputy Sheriff.

Section 4. That all laws and parts of laws in conflict with this act are hereby repealed.

C. E. Corprew.

STATE OF ALABAMA, }
TALLAPOOSA COUNTY. }

Before me the undersigned authority personally appeared Thos. S. Bugg known to me as the editor and publisher of The Dadeville Record, a weekly newspaper published at Dadeville, Tallapoosa County, Alabama, who deposes and says upon oath that the attached notice of a local bill for Tallapoosa County was published in said newspaper for four consecutive issues; to-wit, June 13, 1935; June 20, 1935; June 27, 1935; July 4, 1935.

Thos. S. Bugg,
Editor and Publisher.

Sworn to and subscribed before me this the 2nd day of Aug. 1935.

Roy C. Inzer,
Notary Public.

Also:

By Mr. Taylor:

H. 910. To provide that in all counties in the State of Alabama having a population of 110,000 and not more than 300,000 according to the last or any subsequent Federal Census, that an examination be made for the examination, registration and regulation of Chiropody (Podiatry) and provide for the offenders or violation of this Act and repeal all laws in conflict therewith.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 547, 771, 773, 854, 855, 866, 869, 878, 881, 882 and 883, to the Committee on Local Legislation.

H. 910, to the Committee on Public Health.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 182. To regulate the practices of professional engineering including land surveying; creating a State Board of Registration for Professional Engineers and Land Surveyors; defining its powers and duties; also imposing certain duties upon the State and political subdivisions thereof in connection with public work; providing penalties.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, the Senate concurred in the following amendment by the House to S. 182, the title of which is set out in the foregoing Message from the House to-wit:

Amend Section 2 of Senate Bill 182 by adding at the end of said Section 2, the following:

"Provided, however, that any person or persons regularly employed by any transportation company or public utility company subject to regulation by the Alabama Public Service Commission shall not be considered as engaging in the practice of professional engineering or land surveying as defined in this Act."

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Russell	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Weaver
Glover	Parrish	Taylor	Wellborn
Goldsmith	Riddle	Thomas	Woodall
Kuykendall			

—25

Nays:—None.

NOTICE OF MOTION TO TAKE FROM ADVERSE CALENDAR

Mr. Taylor gave to the Senate the following notice in writing:

"Notice is hereby given that on the next Legislative day, I will move to take from the adverse calendar, have the same read a second time and placed on the regular calendar, the bills:

S. 357. To amend Section 4 of an Act entitled "An Act to regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act entitled 'An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency." (Approved Oct. 6th, 1932.)

Also:

S. 359. To amend Section 3 of an Act entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act," approved October 28, 1932.

H. A. Taylor,
Senator 32nd Dist.

RESOLUTIONS AND SPECIAL ORDERS

The Rules Committee reported the following Senate Resolution:

S. R. 100. BE IT RESOLVED BY THE SENATE that consideration of the following bills on the calendar be made Special, Paramount and continuing Order for today:

- 1 Local Bills.
- 2 S. 157, Woodall, page 1.
3. S. 318, Simpson, page 11.
4. S. 336, Riddle, page 23.
5. S. 324, McDowell, page 24.
6. H. 545, Wallace, page 27.

And on motion of Mr. Riddle, said report was concurred in, the Resolution adopted, and said bills made Special, Paramount and Continuing orders as above stated.

Mr. Browder offered the following Senate Resolution:

S. R. 101. Whereas, every member of the Legislature of Alabama has solemnly sworn, in his oath of office, to support the Constitution of Alabama.

Whereas, the Constitution of Alabama in Article IX, Section 199 and Section, 200 makes it mandatory upon the legislature of the State to reapportion representation in both Houses of the Legislature once every ten years, basing such new apportionment upon population.

Whereas, Legislatures since 1910 have been derelict in their duty and have not performed the duty enjoined upon them by the State Constitution, and,

Whereas, a large percentage of the citizenry of Alabama is demanding that the present Legislature face the issue and perform their sworn duty, by passing an equitable reapportionment law during this session.

Therefore, be it resolved that the presiding officer of the Senate appoint a committee of five members, whose duty it will be to meet and approve a reapportionment plan, which in their honest opinion, is consistent with their oath of office, and the Constitution of Alabama, and report to the Senate on the forty-second Legislative day, or as soon thereafter as possible.

Which was read and referred to the standing Committee on Rules.

The Rules Committee reported the following Joint Resolution:

S. J. R. 102. RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Thursday, August 22, 1935 at ten A. M.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

BILLS ON THIRD READING

The bill:

S. 376. To permit the playing of tennis, golf, baseball and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in cities of the State which now have or may hereafter have a population of not less than Eighteen Thousand inhabitants nor more than Forty Thousand inhabitants, according to the last or any subsequent Federal Census and within the police jurisdiction thereof; to provide that the governing body of any such city may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city, and to provide for holding of other and subsequent elections on such acts and for cost thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 18; Nays, 11.

*Yeas:**Messrs.:*

Carlton	Glover	Rogers (Mobile)	Tucker
Cook	Kelly	Russell	Weaver
Dorsey	Locke	Simpson	Wellborn
Fletcher	Mooneyham	Starnes	Woodall
Frazer	McDowell		

—18

*Nays:**Messrs.:*

Bonner	Mixon	St. John	Walden
Chesnut	Parrish	Stephens	Walton
Kuykendall	Riddle	Thomas	

—11

The bill:

H. 850. To provide for the election of a County Superintendent of Education for Pickens County, Alabama, by the qualified voters of said County, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties and to provide for the election of his successor in office.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:**Messrs.:*

Browder	Kuykendall	Russell	Taylor
Carlton	Locke	St. John	Thomas
Cook	Mixon	Simpson	Tucker
Dorsey	McDowell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 849. To provide for the Nomination of Members of the Court of County Commissioners of Pickens County, Alabama, in Primary elections; To provide for the manner of their elections, and to fix the residences of said County Commissioners.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:**Messrs.:*

Browder	Kuykendall	Russell	Taylor
Carlton	Locke	St. John	Thomas
Cook	Mixon	Simpson	Tucker
Dorsey	McDowell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 848. To provide compensation for the members of the Commissioners Court of Pickens County, Alabama, and to limit the number of days per month they may draw the same, and repeal all laws and parts of laws in conflict therewith.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Taylor
Carlton	Locke	St. John	Thomas
Cook	Mixon	Simpson	Tucker
Dorsey	McDowell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 811. Declaring a State and National Emergency to exist affecting the service trades within the State of Alabama, declaring the necessity for ordinances providing for fair competition among service trade; declaring this Act and emergency measure; authorizing the governing bodies of all cities of this State whose population is not less than 60,000 nor more than 300,000 according to the last or any subsequent Federal census to enact or repeal such ordinances providing for fair competition among those trades wherein services are rendered to the public without the sale of merchandise as such except as a mere incident to such service; providing for the application to the governing bodies of such cities for the establishment of ordinances providing for fair competition, and providing a penalty for violation of provision of ordinances so adopted.

Was taken up.

Mr. Mooneyham offered the following substitute for said bill to-wit:

Senate Substitute for H. 811 by Mr. Mooneyham.

A BILL

To be Entitled An Act declaring a state and national emergency to exist affecting the service trades within the state of Alabama, declaring the necessity for ordinances providing for fair competition among service trade; declaring this act and emergency measure; authorizing the governing bodies of all cities of this state whose population is not less than 35,000 nor more than 68,000 according to the last or any subsequent federal census, to enact or repeal such ordinances providing for fair competition among those

trades wherein services are rendered to the public without the sale of merchandise as such except as a mere incident to such service; providing for the application to the governing bodies of such cities for the establishment of ordinances providing for fair competition, and providing a penalty for violation of provision of ordinances so adopted.

Be it enacted by the Legislature of Alabama:

Section 1. A state and national emergency productive of wide spread unemployment and disorganization of trade which burdens commerce and affects the public welfare, is hereby declared to exist, causing an emergency which injuriously affects the morale and standard of living and threatens to affect the industrial peace and safety and health of the people of the State of Alabama. Among the trade particularly affected of those which services are rendered upon a person or persons or their clothing or apparels without necessarily involving the sale of merchandise. In such trades there is ruinous price-cutting, widespread unemployment and economic distress, and for the purpose of ameliorating such conditions, it is necessary and desirable to authorize the adoption of ordinances providing for fair competition applicable to such trades in various cities and towns of this state, as provided by this Act.

Section 2. This Act applies only to those trades where personal services are rendered upon a person or persons or their clothing or apparels without the sale of merchandise as such, which are herein referred to as services trade. The fact that title to personal property may pass as an incident to rendering such service or services, does not prevent the trade in which this happens from being a service trade provided however that no provision of this Act shall apply to any trade school.

Section 3. In all cities of this state whose population is not less than 35,000 nor more than 68,000 according to the last or any subsequent Federal Census, the owners, operations, or managers of not less than 60 per cent of the business establishment in any such service trade in any such city or town may apply to the governing body of such city or town for the enactment of an ordinance providing for fair competition for such trade within such city or town. The councils or city commission or like governing body of such cities and towns shall have jurisdiction within such cities and towns to carry out within their respective jurisdiction the provisions of this Act.

Section 4. The violation of any provision of any ordinance adopted under the provision of this Act shall constitute a misdemeanor. Each and every day's continuance of such violation shall constitute a separate offense, and each offense is punishable by a fine of not more than one hundred dollars or imprisonment for not more than thirty days.

Section 5. The application for an ordinance providing for fair competition shall state the number of business establishments in such city or town engaged in the trade petitioning for such ordinance, and signature of only one person respectively signing on behalf of a business establishment, shall be counted in determining the percentage of establishments making application. The application shall set forth the provision of the requested ordinance. Such ordinance may contain any other fair trade practice provisions which are not unlawful.

Section 6. At any meeting after receiving such application, the governing body of such city or town may reject or approve, in whole or in part, the application for such ordinance. The rejection of any application shall not prejudice the filing of a new application. The governing body of such city or town, may enact in whole or in part, the provisions of such ordinance, and thereafter such adopted ordinance shall regulate as to matters contained therein the conduct of every person engaged in such service trade within its jurisdiction. The governing body of such city or town may repeal in whole or in part, such ordinance as provided for in this section.

Section 7. If any section, sentence, clause or part of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act.

Section 8. This Act is hereby declared to be an emergency measure necessary for the immediate preservation of public health, peace, safety and economic security within the state.

Section 9. All laws or parts of laws in conflict herewith be and the same are hereby repealed.

Section 10. This Act shall become effective immediately upon its approval by the Governor or its becoming a Law.

Which was adopted.

Yeas, 26; Nays, 2.

Yeas:

Messrs.:

Chesnut	Kuykendall	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Weaver
Frazer	Parrish	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:

Messrs.:

Bonner Carlton

—2

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nays, 2.

Yeas:

Messrs.:

Chesnut
Cook
Dorsey
Fletcher
Frazer
Glover
Goldsmith

Kelly
Kuykendall
Locke
Mixon
Mooneyham
McDowell
Parrish

Rogers (Mobile)
Russell
St. John
Simpson
Stephens
Swift
Thomas

Tucker
Walden
Walton
Weaver
Wellborn
Woodall

—27

Nays:

Messrs.:

Bonner

Carlton

—2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Harrison:

H. 248. In relation to the educational system of Alabama; to make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 248, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Harrison:

H. 945. In relation to the public school system of Alabama: To make appropriations and provide funds for the support, maintenance, and development of the public school system of the State.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House Bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 945, to the Committee on Finance and Taxation.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Taylor, the Senate indefinitely postponed further consideration of the bills:

S. 357. To amend Section 4 of an Act entitled "An Act to regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act and exempting certain of such motor trucks semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act entitled 'An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency." (Approved Oct. 6th, 1932.)

Also:

S. 359. To amend Section 3 of an Act entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this

State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act," approved October 28, 1932.

BILL RE-CALLED AND INDEFINITELY POSTPONED

On motion of Mr. Taylor, the bill:

S. 389. To amend Section 29 (a) of an Act entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of the Act," approved October 28, 1932.

Was re-called from the Standing Committee on Public Roads and Highways, and further consideration of said bill indefinitely postponed by the Senate.

CONSIDERATION OF SPECIAL ORDERS

The hour of twelve o'clock having arrived, the Senate proceeded to consider the Special Orders for to-day, the first of which was the bill:

S. 157. To divide the State of Alabama into Judicial Circuits for the Circuit Courts to be numbered and composed of the Counties named.

Mr. Simpson offered the following amendment to said bill to-wit:

That Senate Bill No. 157 be amended by striking therefrom Section 9 of said bill and inserting in lieu thereof Section 9 as follows:

Section 9. That the judges of the Tenth Judicial Circuit, as the same existed before the passage of this act, shall be the judges of the Tenth Judicial Circuit as defined and established by this act until the general election in 1940, at which time eleven circuit judges shall be elected for the county composing said Tenth Judicial Circuit as defined and established by this act.

Which was adopted.

Yeas, 20; Nays, 11.

Yeas:

Messrs.:

Browder	Frazer	Parrish	Simpson
Carlton	Glover	Riddle	Stephens
Chesnut	Kuykendall	Rogers (Mobile)	Tucker
Cook	Locke	Russell	Weaver
Fletcher	Mixon	St. John	Wellborn

—20

Nays:

Messrs.:

Bonner	Kelly	Swift	Walton
Dorsey	Mooneyham	Thomas	Woodall
Goldsmith	McDowell	Walden	

—11

Mr. Riddle offered the following amendment to said bill to-wit:
Amend Senate Bill 157:

1. By striking the word "Shelby" from the first paragraph thereof and insert in lieu thereof the word "Coosa."

2. By striking the word "Coosa" from the first paragraph thereof and substituting in lieu thereof the word "Shelby."

Mr. Woodall moved to lay said amendment on the table, which motion prevailed and said amendment was tabled.

Yeas, 24; Nays, 9.

Yeas:

Messrs.:

Bonner	Glover	McDowell	Tucker
Browder	Goldsmith	Russell	Walden
Carlton	Kelly	St. John	Walton
Chesnut	Kuykendall	Stephens	Weaver
Dorsey	Mixon	Swift	Wellborn
Frazer	Mooneyham	Thomas	Woodall

—24

*Nays:***Messrs.:**Cook
Fletcher
LockeParrish
RiddleRogers (Mobile)
SimpsonStarnes
Taylor

—9

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 5.

*Yeas:***Messrs.:**Bonner
Browder
Carlton
Chesnut
Dorsey
Fletcher
FrazerGlover
Goldsmith
Kelly
Kuykendall
Locke
Mixon
MooneyhamMcDowell
Riddle
Russell
Simpson
Starnes
Stephens
SwiftThomas
Tucker
Walden
Walton
Weaver
Wellborn
Woodall

—28

*Nays:***Messrs.:**Cook
Parrish

Rogers (Mobile) St. John

Taylor

—5

The bill:

S. 318. To amend Section 4 of an Act entitled "An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and/or housing projects; to provide for the creation of such housing authorities; to define the powers and duties of such housing authorities and to provide for the exercise of such powers including the borrowing of money, issuance of bonds and other obligations and giving of security therefor to provide for the payment of such bonds and other obligations with the approval and consent of a Board to be known as the Public Works Board of Alabama; and to provide for the remedies of bond and other obligation holders of such housing authorities," approved February 8, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nay, 1.

*Yeas:***Messrs.:**Browder
Carlton
Chesnut
Fletcher
Glover
KellyKuykendall
Mixon
McDowell
Parrish
RiddleRussell
St. John
Simpson
Swift
TaylorTucker
Walton
Weaver
Wellborn
Woodall

—21

Nay: Mr. Thomas

—1

The bill:

S. 336. To amend the caption and Section 1, Section 2, Paragraph (d), Section 3, Section 6, Section 9, Section 11 and Section 16 of an Act entitled, "An Act to authorize the creation of the Rural Electrification Authority of Alabama for the purpose of promoting and encouraging the fullest possible use of electric energy in the State by making electric energy available to certain inhabitants of the State at the lowest cost consistent with sound economy and prudent management; authorizing the Authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation, transmission and distribution of electric energy to carry out the purposes of this Act; providing for the rights, powers and duties of the Authority; authorizing and regulating the issuance of bonds by the Authority; and providing for the payment of such bonds and the rights of the holders thereof, approved February 7, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Mixon	St. John	Tucker
Chesnut	McDowell	Simpson	Walton
Fletcher	Parrish	Stephens	Weaver
Glover	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall

—24

Nays:—None.

RECESS

At 1:45 P. M., on motion of Mr. Rogers of Mobile, the Senate took a recess until Four o'clock this afternoon.

FORTY-FIRST DAY—AFTERNOON SESSION

Tuesday, August 20th, 1935

The Senate re-assembled at 4 P. M., President Pro-Tem Riddle, presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Cook	Glover	Mixon
Browder	Dorsey	Kelly	Mooneyham
Carlton	Fletcher	Kuykendall	McDowell
Chesnut	Frazer	Locke	Parrish

Riddle
Rogers (Mobile)
Russell
St. John

Simpson
Starnes
Stephens
Swift

Taylor
Thomas
Tucker
Walden

Walton
Weaver
Wellborn
Woodall

—32

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Weaver:

S. 404. To amend an Act entitled "To Regulate the Manufacture for sale, the transportation, sale and possession of cereal beverages, in which hops, malt, or other light ingredients are used, containing not more than one-half of one per cent alcohol." Passed October 6, 1932; and to define "cereal beverages"; To provide the manner in which counties may prohibit the manufacture, brewing, sale and distribution of cereal beverages; and to provide penalties for the violation of the provisions of this act.

Committee on Temperance.

By Mr. Weaver:

S. 405. To provide for the raising of public revenue by imposing privilege taxes on the manufacture and sale of cereal beverages of an alcoholic content of not more than 3.2, per centum by weight; to provide for the imposing levying and assessing of excise and privilege taxes on dealers of such cereal beverages and provide for the collection of such taxes; to provide for the issuance of permits and licenses, to engage in the businesses taxed by this Act; to empower the chairman of the State Tax Commission to prescribe rules and regulations for the enforcement of this Act; to provide for the keeping of records relating to distribution and sale of such cereal beverages and to provide penalties for the violation of the provisions of this Act; and to appropriate funds for the purpose of carrying out the provisions of this act.

Committee on Temperance.

By Mr. Walton:

S. 406. To provide authority for the State Board of Education and/or the trustees of all State Institutions, where education is a part of the program of the Institution, to borrow money from Federal Agencies for the erection of buildings, beautification of grounds, and the erection and maintenance of swimming pools at the several State Institutions; to authorize the issuance of bonds, warrants or other evidences of debt for the repayment of the amount borrowed with interest at a rate not to exceed four per cent semiannually, and to pledge therefor the fees from students to be levied by the Institution for which the money is borrowed and any other moneys not appropriated by the State to said Institution; to make such bonds, warrants or other evidences of debt

not an obligation of the State and not payable out of any moneys by the State.

Committee on Education.

By Mr. Fletcher:

S. 407. Relating to and regulating the manufacture, sale, possession, control, prescribing, administering, dispensing, compounding, mixing, cultivation and growth of narcotic drugs.

Committee on Judiciary.

By Mr. Browder:

S. 408. To provide plans for apportionment and distribution of school funds by county boards of education to boards of education of independent cities in the county.

Committee on Education.

By Mr. Woodall:

S. 409. To authorize and empower the governor to contract rental or lease agreements with persons, firms, or corporations owning bridges across streams between counties and on state maintenance highways, so as to make said bridges free for crossing of the travelling public and to provide for the payment of rental thereon.

Committee on Public Roads and Highways.

REPORTS OF COMMITTEES

Mr. Tucker, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Swift:

S. 388. To extend the time in which tax collectors of the several counties of Alabama may file their official bonds with the Comptroller, so that they may be filed on or before the 15th day of September next after their election; and to repeal all laws in conflict herewith.

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hendley:

H. 852. To authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted

on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kelley:

S. 363. To amend sections 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Mr. Locke, Chairman of the Standing Committee on County and County Boundaries, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kelly:

S. 394. To further provide for the filling of vacancies occurring on Boards of Revenue, or like governing bodies; and to provide when this Act shall go into effect.

By Mr. Swift:

S. 381. To authorize the Judge of Probate, the Tax Assessor and the Tax Collector in all counties which now or may hereafter embrace an area of twelve hundred and fifty (1250) or more square miles, where it is necessary or expedient to the efficient conduct of such offices, to employ more help than is allowed by the provisions of House Bill 324, approved July 10, 1935, when such employment is authorized and approved by the Court of County Commissioners or like governing body of such counties, duly entered on the minutes of such Court.

NOTICE OF MOTION TO TAKE FROM ADVERSE CALENDAR

Mr. Wellborn gave to the Senate the following notice in writing:

"Notice is hereby given that on the next Legislative day, I will move to take from the Adverse Calendar have the same read a second time and placed on the regular calendar, the bill:

S. 139. To provide for the examination and audit by the Division of Departmental and County Audits of the records of all city officers in cities of Alabama which may now or hereafter have a population of ten thousand (10,000) or more according to the last or any subsequent Federal Census; to provide for the payment of the cost of said examination; and to provide for the employment of a sufficient number of clerical assistants in the Division of Departmental and County Audits to carry out the provisions of this Act.

M. B. Wellborn."

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Chichester:

H. J. R. 278. BE IT RESOLVED, by the House, the Senate concurring, that a joint committee composed of two members of the House and one member of the Senate, to be named by the Governor, be appointed upon the passage of this Resolution to work, without pay, in the conjunction and cooperation with the Alabama League of Municipalities and the Bureau of Business Research of the University of Alabama for the purpose of ascertaining methods of providing relief to property owners, whose property has been sold because of default in payment of amounts due for assessments to cover costs of improvements, including paving, sewerage and other improvements made by public authorities, to the end that such property may be restored to the former property-owners and the tax rolls of the various municipalities and be again subject to taxation.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 278, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions:

By Rules Committee:

S. J. R. 102. Relative to the two Houses adjourning today to meet again on Thursday, August 22nd, 1935, at 10:00 A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Coleman:

H. 861. To make appropriations to the Alabama Agricultural Experiment Station at Auburn; to the branch agricultural experiment stations located at Belle Mina in Limestone County, at Crossville in DeKalb County, at Marion Junction in Dallas County, at Headland in Henry County, and at Fairhope in Baldwin County, to the experiment fields located at various points in Alabama; to provide for the purchase of necessary land; to provide for the administration, supervision and direction of the research work carried on by the above agencies; to provide for the purchase of equipment,

supplies, and for other necessary expenses involved in the conduct of agricultural researches and experiments on the main station at Auburn, on the branch stations, on the experiment fields, and in co-operation with farmers, and to provide how and from what sources said appropriations shall be derived, the distribution thereof, and the manner in which same shall be paid.

Also:

By Mr. Coleman:

H. 862. To provide for Extension Work in agriculture and home economics by giving instructions to men, women and young people in the several counties in Alabama, by continuing and improving farm and home demonstration work, by providing for the training of men and women leaders, by organizing groups of farm people, including men, women, boys and girls, into clubs for the improvement of agriculture and farm home life, and by conducting Extension work through other means, all with the view of making farm life more profitable and attractive; and to aid in securing for Alabama the full amounts of all Federal funds conditionally appropriated to Alabama by the Congress of the United States under an Act approved May 8th, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, and other related and supplementary acts; and to make appropriations for these purposes.

Also:

By Mr. Harrison:

H. 249. To make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

House Bills 861, 862, and 249, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following bill:

By Mr. Harrison:

H. 894. To provide for State planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State, all local

improvements which, under the statutes, are required to be submitted to State authorities; also all projects of state magnitude, even though the construction and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the commission under the provisions of this Act.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 894, to the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Mr. Almon:

H. 806. To appropriate the sum of One Hundred Thousand Dollars for the relief of the City of Decatur, Morgan County, Alabama.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 806, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House bill:

By Mr. Sanderson:

H. 811. Declaring a State and National emergency to exist affecting the Service Trades within the State of Alabama, declaring the necessity for ordinances providing for fair competition among Service Trade; Declaring this Act and Emergency Measure; authorizing the Governing Bodies of all Cities of this State whose population is not less than 60,000 nor more than 300,000 according to the last or any subsequent Federal Census to enact or repeal such ordinances providing for Fair competition among those trades wherein services are rendered to the Public without the sale of Merchandise as such expect as a mere incident to such service; pro-

viding for the applicataion to the Governing Bodies of such Cities for the establishment of ordinances providing for fair competition, and providing a penalty for violation of provision of ordinances so adopted.

And requests Committee of Conference. The Speaker of the House has named as Conferees on the part of the House Messrs. Sanderson, McDermott and Staples.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mooneyham, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the Two Houses on the Senate amendment to H.B. 811, the title of which is set out in the foregoing Message from the House, and the Presiding Officer of the Senate appointed as a Committee on part of the Senate Messrs. Rogers of Mobile and Mooneyham.

SPECIAL ORDERS

The Senate proceeded to consider the next Special Order for today, which was the bill:

S. 324. To fix the salaries of the Chief Justice and Associate Justices of the Supreme Court and Judges of the Court of Appeals; to provide how the same shall be payable and to further provide when the provisions of this act shall become effective.

Mr. McDowell offered the following amendment to said bill to-wit:

Amend Section 1 of Senate Bill No. 324 by striking therefrom the words and figures where they appear as Seventy-five Hundred (\$7500.00) Dollars and substitute in lieu thereof the words and figures Six Thousand (\$6,000.00) Dollars; and further amend said Section one of said bill by striking therefrom the words and figures Six Thousand Six Hundred (\$6,600.00) Dollars and substitute in lieu thereof the words and figures Fifty-five Hundred (\$5500.00) Dollars.

Which was adopted.

Yeas, 28; Nays, 3.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Fletcher

Frazer
Glover
Goldsmith
Kuykendall
Locke
Mixon
Mooneyham

McDowell
Parrish
Riddle
Rogers (Mobile)
Russell
St. John
Starnes

Stephens
Swift
Taylor
Thomas
Tucker
Walden
Weaver

*Nays:***Messrs.:**

Walton

Wellborn

Woodall

—3

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 11.

*Yeas:***Messrs.:**

Bonner

Browder

Carlton

Chesnut

Cook

Frazer

Glover

Kelly

Kuykendall

Mooneyham

McDowell

Parrish

Riddle

Rogers (Mobile)

Russell

St. John

Simpson

Starnes

Swift

Thomas

Tucker

Weaver

—22

*Nays:***Messrs.:**

Dorsey

Fletcher

Goldsmith

Locke

Mixon

Stephens

Taylor

Walden

Walton

Wellborn

Woodall

—11

The bill:

H. 583. To amend section 8 of an Act entitled "An Act creating and Establishing Juvenile Courts in all Counties of the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said Courts; for the equipment of said courts, for the Judge and officers of the courts; Their term of office and their salaries, and defining their duties and the payment of the Board of Revenue and Road commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependants and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said coun-

ties; providing for the commitment of juvenile delinquents and dependants to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one half of the expenses arising out of the operation of said courts, and for the protection of said children against disqualification or prejudice in other courts in the civil service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws, "approved September 9, 1927, as amended by an Act approved April 21, 1931, so as among other things to amend the title and section 1 thereof, and as further amended by an Act approved April 17th, 1933.

Was taken up.

Mr. Rogers of Mobile offered the following amendment to said bill to-wit:

Amend House Bill 583 by striking out the words and figures fifteen hundred dollars (\$1500.00) where they appear in line 8 on the last page of said bill and insert in lieu thereof the words and figures eighteen hundred dollars (\$1800.00), and amend the bill further by striking out the words and figures one thousand dollars (\$1000.00) where they appear in line 11 on the last page of said bill and by inserting in lieu thereof the words and figures twelve hundred dollars (\$1200.00).

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	St. John	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Frazer	Riddle	Swift	Wellborn
Goldsmith	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Dorsey	Kelly	Mixon
Carlton	Frazer	Kuykendall	McDowell
Chesnut	Goldsmith	Locke	Riddle

Rogers (Mobile)	Starnes	Thomas	Weaver
Russell	Stephens	Tucker	Wellborn
St. John	Swift	Walton	Woodall
Simpson	Taylor		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Harrison:

H. 241. To appropriate the monies now in the Treasury to the credit of the Royalties and Rentals Federal Mining Leases Fund, and to provide for the disposition of future receipts from the Federal Government.

Also:

By Mr. Harrison:

H. 242. To amend Sections 6363 and 6364 of the Code of Alabama of 1923, relating to unclaimed dividends in Liquidated State Banks, and also to provide for the disposition of such funds now in the Treasury.

Also:

By Mr. Harrison:

H. 243. To appropriate the monies now in the Treasury to the credit of the Two and Three Per-Cent Fund, and to provide for the disposition of future receipts from the Federal Government.

Also:

By Mr. Harrison:

H. 247. To appropriate the monies now in the Treasury to the credit of the Federal Water Power Act Fund, and to provide for the disposition of future receipts from the Federal Government.

Also:

By Mr. Harrison:

H. 325. To create a Sinking Fund to retire the Renewal Class A, the Renewal Class C, and the Funding Bonds of the State of Alabama; to appropriate and transfer certain funds thereto and to create a Commission to be known as the Sinking Fund Commission; to administer the same and to define the powers and duties of said Commission and prescribe the functions thereof.

Also:

By Mr. Harrison:

H. 946. In relation to Tuskegee Institute: To make appropriation and provide funds to help in the support, maintenance, and development of Tuskegee Institute.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

House Bills 241, 242, 243, 247, 325 and 946 to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 362. To create an Armory Commission for the State of Alabama and to authorize the persons named therein to form and organize a corporation to be known as the "Armory Commission of Alabama"; to specify and define its authority and duties; to authorize said Commission when incorporated to construct and maintain armories, drill and training areas for the National Guard and Naval Militia and their various units; to authorize municipalities, counties, the State and others to co-operate in and about the construction of armories, the providing of drill and training areas and to assist in paying therefor; to authorize municipalities and counties to convey to The Armory Commission of Alabama lands owned by them on which to construct such armories, whether such lands already be used for parks or other purposes; to authorize The Armory Commission of Alabama to finance, or refinance armory buildings that have already been constructed, to finance the improvement of such armories, and to authorize The Armory Commission of Alabama to finance the construction of other or further or additional armories; and to authorize the Governor of Alabama, in his discretion, to use a part of any appropriation made for military purposes for the purpose of paying any deficit of principal or interest under any plan of financing or refinancing, adopted by The Armory Commission of Alabama for the financing, or refinancing, of armories already in existence, the construction of, improvements to or additions to, such armories already in existence and the construction of new and additional armories.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

RESOLUTION

Mr. Thomas offered the following Joint Resolution:

S. J. R. 103. BE IT RESOLVED BY THE SENATE OF ALABAMA, and the House of Representatives concurring, that the following memorial be sent to the President of the United States:

WHEREAS, the farmers of Alabama have gone to great expense of producing this 1935 Cotton Crop it would be a great injustice to the farmers of the State of Alabama and the South to have to sacrifice this crop.

THEREFORE, BE IT RESOLVED by the Senate of Alabama, the House concurring, that we request the President of the United States to continue the 12c loan on cotton for the year 1935.

BE IT FURTHER RESOLVED that the Secretary of State be, and he is hereby, directed to telegraph this memorial to the President immediately upon its adoption.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 227. To amend Sections 5 and 6 of an Act entitled, "An Act to regulate the public schools in the County of Mobile"; approved February 15th, 1876.

S. 321. To abolish the office of Deputy Solicitor of Washington County, Alabama, and to provide that such bill shall not affect any general, special or local law, except as herein provided.

S. 229. To amend an Act Entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" approved April 11, 1933. (Local acts 1933, No. 136, Senate Bill 203—Duncan)

S. 320. To create the office of County Solicitor of Washington County, Alabama, to provide for the appointment to fill vacancy in the office, to provide for the election of such County Solicitor by the qualified voters of said County, to prescribe his powers, duties, and qualifications, to provide for his compensation, to provide how it shall be paid, and to repeal all laws in conflict therewith.

An returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the forty-first Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut, Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the forty-first Legislative day approved by the Senate.

ADJOURNMENT

At 5:30 P. M., on motion of Mr. Tucker and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Thursday, August 22nd, 1935, at ten A. M.

FORTY-SECOND DAY

Thursday, August 22nd, 1935.

The Senate met pursuant to adjournment, President Pro-Tem Riddle, presiding.

PRAYER

The Session was opened with prayer by Senator Chesnut of Cherokee County.

ROLL CALL

Present:

Messrs.:			
Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Dorsey	Mixon	Simpson	Walton
Fletcher	Mooneyham	Starnes	Weaver
Frazer	McDowell	Stephens	Wellborn
Glover	Parrish	Swift	Woodall

—32

JOURNAL

On motion of Mr. Starnes the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committee, as follows:

By Mr. Walton:

S. 410. To more effectively provide for the supervision, inspection and regulation by Alabama Public Service Commission, in the public interest, of transportation companies, and of their

rates, fares and charges, service, facilities, practices, rules and regulations and to provide for the payment of supervision and inspection fees by such transportation companies.

Committee on Commerce and Common Carriers.

By Mr. Simpson:

S. 411. To define what are foreign corporations and to prescribe the conditions under which foreign corporations may enter and do business in Alabama.

Committee on Finance and Taxation.

By Mr. Thomas:

S. 412. To propose an amendment to the Constitution of the State of Alabama of 1901, whereby the Town of Montevallo, Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipality, at an election or elections to be held by it from time to time for such purpose, and to order an election of the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for state and county officers in November 1936.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Locke:

S. 413. To impose all the duties of the State Securities Commission of Alabama under existing law and all the duties of the Superintendent of Banks of this State, as such State Securities Commission, upon the Attorney General of Alabama; and to invest in the Attorney General of Alabama all the authority, rights, privileges and immunities of said State Securities Commission, and of the Superintendent of Banks of this State, as such State Securities Commission; and to provide that on and after the effective date of this Act the State Securities Commission shall be composed of the Attorney General of Alabama; and to provide that the State Securities Commission shall have its office in the office of the Attorney General of this State.

Committee on Judiciary.

By Mr. Simpson:

S. 414. To amend Section 6 of an Act of the Legislature entitled "AN ACT to prevent the practice of nepotism by public of-

ficials of Jefferson County, Alabama, by employing persons related within the fourth degree by blood or marriage computed according to the rules of civil law or related within said degree to any other public official of said county to define the term 'public official' as used in this act, to prohibit such public official from approving or paying any salary, fee or compensation of such ineligible employee, to prescribe the penalty for the violation of this act, to except from its operation certain employees who have been in the public employment for a prescribed time", said act approved November 9, 1932.

Committee on Local Legislation.

By Mr. Walton:

S. 415. To authorize each of the County Boards of Education in the State to make an allowance to the County Superintendent of Education for traveling, and to declare legal such expenditures heretofore made.

Committee on Education.

By Mr. Dorsey:

S. 416. To make it unlawful for any public officer of the State of Alabama at the time he is holding such office to be an officer, agent or employee of any institution owned or controlled by the State or which is supported in whole or in part by State funds, and to fix punishment for violation of this Act.

Committee on Constitution and Constitutional Revision and Amendments.

By Mr. Stephens:

S. 417. To amend Section 1508, Chapter 37, of the Political Code of Alabama, 1923.

Committee on Privileges and Elections.

By Mr. Stephens:

S. 418. To amend Section 1507, Chapter 37, of the Political Code of Alabama, 1923.

Committee on Privileges and Elections.

REPORTS OF COMMITTEES

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

Mr. Mr. Harrison:

H. 894. To provide for State planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed or authorized by the State; all local improvements which, under the statutes, are required to be submitted to State authorities; also all projects of state magnitude, even though the construction and financing are to be done

by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the commission under the provisions of this Act.

By Mr. Simpson:

S. 397. To establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against same and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged.

By Mr. Stephens:

S. 395. To create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties, and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same and to retain the right to amend or repeal this Act.

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a

favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Welch:

H. 100. To amend Sections 3886, 3887, 3888 and 3889 of Chapter 122 of the Code of Alabama of 1923.

By Mr. Starnes (with Substitute):

S. 213. To amend Sections 7542, 7543, 7547, 7548, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7566, 7567, 7568, 7584, 7586, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

By Mr. Mooneyham (with amendment):

S. 220. To amend Section 1, 2, 3, 4, and 5 of an act entitled "An Act providing for and relating to the remedies of a landlord for recovery of possession of rent premises when such possession is wrongfully withheld by the tenant." (Approved October 25, 1932.)

By Mr. Simpson:

S. 387. To amend the title and Section 2 of an Act entitled "An Act to authorize any county, incorporated city or town in the State of Alabama, subject to the limitations herein stated, to acquire by gift or purchase, to construct, reconstruct, to improve, to better or to extend and maintain and operate causeways, tunnels, viaducts, bridges and other crossings, highways, parks, parkways, airports, docks, piers, wharves, seaport or river terminals, hospitals, public markets, tennis courts, swimming pools, golf courses, stadiums, armories, auditoriums, and other public buildings of all kinds, incinerator plants, water systems, gas or electric heat, light or power systems for public and private uses, cold storage plants, cooling plants, sterilization plants, warehouses, graneries, and any other plants, works, machinery or equipment useful for the preservation or perparation of agricultural products for market or use and for the conversion of agricultural products into usable and marketable products, to authorize the issuance of Revenue Anticipation Bonds payable solely from the revenue of such undertakings to finance the same, providing for the payment of such bonds and the rights and remedies of the holders thereof and for the conditions and other provisions under which the same may be issued; and to authorize the fixing and collection of rates, fees, tolls, rents and other charges for the services, facilities, and commodities afforded by such undertaking," known as House Bill No. 482, approved June 25, 1935.

By Mr. Walton (with amendment):

S. 402. To provide aid to dependent children, to authorize the State Department of Public Welfare to administer such aid, to authorize the county departments of public welfare to administer such aid, under the supervision of the State Department of Public

Welfare in the several counties, to authorize the County Board of Revenue or Court of County Commissioners or other governing body of the county to appropriate funds for aid to dependent children, and to authorize the State Department of Public Welfare to reimburse said counties for one-half of the sum so expended in the several counties under certain conditions.

By Mr. McDowell:

S. 403. To amend an Act entitled "An Act to Amend Section 5742 of the Code of Alabama of 1923", approved July 23, 1931.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Swift:

S. 380. To appropriate a sum not to exceed in the aggregate \$5,000.00 per annum for four years to the Board of Trustees of the University of Alabama and the Board of Trustees of the Alabama Polytechnic Institute, such appropriation to the Board of Trustees of the University of Alabama and the Board of Trustees of the Alabama Polytechnic Institute to be used for the purpose of extending and improving the uses of the naval stores products of the State of Alabama, and for the purpose of increasing its consumption.

By Mr. Harrison:

H. 241. To appropriate the monies now in the Treasury to the credit of the Royalties and Rentals Federal Mining Leases Fund, and to provide for the disposition of future receipts from the Federal Government.

By Mr. Harrison:

H. 242. To amend Sections 6363 and 6364 of the Code of Alabama of 1923, relating to unclaimed dividends in Liquidated State Banks, and also to provide for the disposition of such funds now in the Treasury.

By Mr. Harrison:

H. 243. To appropriate the monies now in the Treasury to the credit of the Two and Three Per-Cent Fund, and to provide for the disposition of future receipts from the Federal Government.

By Mr. Harrison:

H. 247. To appropriate the monies now in the Treasury to the credit of the Federal Water Power Act Fund, and to provide for the disposition of future receipts from the Federal Government.

By Mr. Harrison:

H. 325. To create a Sinking Fund to retire the Renewal Class A, the Renewal Class C, and the Funding Bonds of the State of Alabama; to appropriate and transfer certain funds thereto and to

create a Commission to be known as the Sinking Fund Commission; to administer the same and to define the powers and duties of said Commission and prescribe the functions thereof.

By Mr. Harrison:

H. 946. In relation to Tuskegee Institute: To make appropriation and provide funds to help in the support, maintenance, and development of Tuskegee Institute.

By Mr. Harrison:

H. 945. In relation to the public school system of Alabama: To make appropriations and provide funds for the support, maintenance, and development of the public school system of the State.

By Mr. Coleman:

H. 862. To provide for Extension Work in agriculture and home economics by giving instructions to men, women and young people in the several counties in Alabama, by continuing and improving farm and home demonstration work, by providing for the training of men and women leaders, by organizing groups of farm people, including men, women, boys and girls, into clubs for the improvement of agriculture and farm home life, and by conducting Extension work through other means, all with the view of making farm life more profitable and attractive; and to aid in securing for Alabama the full amounts of all Federal funds conditionally appropriated to Alabama by the Congress of the United States under an Act approved May 8th, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, and other related and supplementary acts; and to make appropriations for these purposes.

By Mr. Coleman:

H. 861. To make appropriations to the Alabama Agricultural Experiment Station at Auburn; to the branch agricultural experiment stations located at Belle Mina in Limestone County, at Crossville in DeKalb County, at Marion Junction in Dallas County, at Headland in Henry County, and at Fairhope in Baldwin County, to the experiments fields located at various points in Alabama; to provide for the purchase of necessary land; to provide for the administration, supervision and direction of the research work carried on by the above agencies; to provide for the purchase of equipment, supplies, and for their necessary expenses involved in the conduct of agricultural researches and experiments on the main station at Auburn, on the branch stations, on the experiment fields, and in cooperation with farmers, and to provide how and from what sources said appropriations shall be derived, the distribution thereof, and the manner in which same shall be paid.

By Mr. Almon:

H. 806. To appropriate the sum of One Hundred Thousand Dollars for the relief of the City of Decatur, Morgan County, Alabama.

By Mr. Woodall:

S. 385. To provide for the publication of a Code of Alabama and to provide for the appointing of a committee to contract for the compilation, codification, annotating, indexing, printing, binding, and distributing of the public statutes of the State of Alabama of a general and permanent nature, and to provide for necessary appropriations therefor.

By Mr. Cox (with notice and proof):

H. 813. To relieve and release J. T. Rockett, former Tax Collector of Chilton County, Alabama, on account of his failure to collect, while Tax Collector of Chilton County, Alabama Ad Valorem Taxes assessed against the Central Alabama Hospital, Inc., a corporation, and its property in Chilton County, Alabama, for the tax years of 1929 and 1930, said Central Alabama Hospital, Inc., a corporation, having been entitled during said tax years to an exemption as against tax on said property and the relief and release hereby granted being on an assessment in each of said years of a tax value of \$12,000.00, and to grant an exemption from said taxes to said Central Alabama Hospital, Inc., a corporation, for said tax years of 1929 and 1930.

By Mr. Cox (with notice and proof):

H. 812. To relieve or exempt the Central Alabama Hospital, Inc., a corporation, of or from the payment of all Ad Valorem taxes assessed against it or its property in Chilton County, Alabama, for the State of Alabama and for Chilton County for the tax year 1932, and or which was due on said property at said time, and to annul, set aside and avoid the sale of said property for such taxes, which sale was made by W. G. Culp, as Tax Collector of Chilton County, Alabama, on the 19th day of November, 1934, and sold to the State of Alabama for \$288.96, said sale being made under a decree of the Probate Court of Chilton County, Alabama, dated October 15th, 1934, and to declare such property exempt from such taxes, it appearing that the property so sold was exempt from taxation during said tax year, but that such exemption was not claimed or allowed.

By Mr. Lee (Monroe) (with amendment):

H. 191. To better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their power and authority to approve and pay claims for current

operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that all temporary loans procured for enabling counties to meet their current obligations shall mature during the fiscal year in which they are made and shall be payable out of income for such year; to provide that this Act shall be effective on and after the first day of October, 1935; and to repeal all laws, except local laws, in conflict with the Act. Provided, the Act shall not apply to Counties having more than 95,000 and less than 300,000 population.

By Mr. Harrison (with amendment):

H. 249. To make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

By Mr. Harrison (with amendment):

H. 248. In relation to the educational system of Alabama; to make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cook:

S. 379. To authorize and empower the Courts of County Commissioners, and/or Board of Revenue, and/or other Governing Bodies of all counties of Alabama which now or may hereafter have a population of less than fifteen thousand, according to the last, or any subsequent Federal census, to transfer any funds (except school monies and sinking funds) that may be received by the county, to the general fund of the county at any meeting of said Court, or Board of Revenue or Governing Body and to ratify like transfers heretofore made and to repeal all laws and parts of laws in conflict with this section.

By Mr. Dorsey (with amendment):

S. 400. To provide a Commission-Manager form of government for all counties of the State of Alabama having a population of not less than 36,000 and not more than 36,600 population, according to the last Federal census and to provide procedure for an election to determine whether any such county shall adopt the form of government herein provided, to provide for the appointment of the Commissioners and their election, term of office and compensation, and to prescribe their powers and duties; to provide for a Manager to be elected by the Commission and removed at its pleasure; to fix his salary, prescribe his powers and duties; to provide a budget for such counties; publication of the budget, public information of the financial status of such counties, and to make it a misdemeanor to draw warrants against county funds in such counties when there are no funds in the treasury to the credit of the funds against which the warrant is drawn; to authorize such counties, through their managers, to make contracts, with reference to the construction of public highways, either with the State or adjoining counties; also in reference to health and quarantine laws, and their administration; to abolish the offices of Tax Collector and Assessor of such counties at the expiration of the term of office of the officers holding such offices on the date of the adoption of this Act, and to provide for a Tax Agent, appointed by the Commission, and his assistants, to fix his salary and prescribe his duties in reference to assessment and collection of taxes; to prescribe the effective date of this Act and to repeal all laws in conflict herewith.

By Mr. Chichester:

H. 178. To vest in the City of Birmingham, a municipal corporation, the title to the East half of block 44, according to the Elyton Land Company's survey, for the purpose of a public municipal park.

By Mr. Deloney (with notice and proof):

H. 771. For the Relief of Frank M. Barry, and to authorize, empower and direct the Court of County Commissioners of Colbert County, Alabama, and the County Depository of said County to pay to the said Frank M. Barry out of any money in the County Treasury, not otherwise appropriated, in order to reimburse Frank M. Barry for an overpayment made by him to the County Treasury through the Probate Judge of Colbert County, Alabama, in redeeming certain property sold for taxes, state and county, in the year 1932.

By Mr. Kelly (with notice and proof):

H. 723. To amend Sections 1 and 2 of an Act of the Legislature of Alabama entitled: "An Act to provide for the election of County Superintendent of Education for Clay (County), Alabama, to fix his term of office, to prescribe his salary and the manner of

payment; to define his qualifications, powers and duties, and to provide for the election of his successor in office" approved September 26, 1923.

By Mr. Robertson (Cullman) (with notice and proof):

H. 854. To abolish the office of Deputy Solicitor of Cullman County, Alabama, to fix the time when such office shall be abolished, and to provide that such bill shall not affect any general, special or local laws except as herein provided for.

By Mr. Robertson (Cullman) (with notice and proof):

H. 878. To regulate the maintenance, repair and construction of the Roads and Bridges of Cullman County, Alabama; to create the office of Road and Bridge Superintendent for Cullman County, Alabama, to prescribe the qualifications, powers and duties of said Superintendent, to provide for his appointment, to fix his salary and term of office, and to require him to give bond, and to relieve the Judge of Probate and County Commissioners of all road duties, and to provide that said Commissioner shall receive no compensation for any road services that may be rendered.

By Mr. Cox (with notice and proof):

H. 869. To authorize the sheriff of Chilton County, Alabama to appoint a special or general deputy, fix his tenure of office, prescribe his duties, fix his compensation and to authorize and require the Court of County Commissioners to pay the same by warrant drawn on the treasurer and paid out of the general funds of said County, and to require said deputy to give bond in the sum of \$2000.00 payable to said sheriff with conditions as required by Section 2595 of the Code of Alabama, 1923.

By Mr. Robertson (Cullman) (with notice and proof):

H. 855. To create the office of County Solicitor of Cullman County, Alabama, to provide for the election of such officer by the qualified voters of said county, to prescribe his powers, duties and qualifications, to provide for his compensation, fix the term of his office, provide for the election, and the time of the election of his successor, to provide for the furnishing to him of suitable offices, telephones, postage and stationary and to provide for the payment of such rents, telephone calls, postage and stationary, to require him to act as attorney for the county court of county commissioners and the county board of education, to repeal all general and local laws in conflict herewith so far as they relate to said county.

By Mr. Kelly (with amendment) (with notice and proof):

H. 575. To abolish the Commissioners Court of Clay County, Alabama; and the office of County Commissioner, to establish in said County a County Commission; to provide for the election of the members of said commission; to fix their term of office; to define the powers and duties of such Commission and to fix the compensation of the members thereof.

Mr. Parrish, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kelly (with amendment):

S. 369. To provide for the registration of original marriage licenses with the Bureau of Vital Statistics of the State Board of Health and license fees therefor and to provide for the issuance of certified copies thereof.

By Mr. Kelly (with amendment):

S. 370. To amend Section 1154 of the Code of 1923, relating to Public Health.

Mr. Bonner, Chairman of the Standing Committee on Temperance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they are severally read a second time and placed on the calendar, to-wit:

By Mr. Weaver:

S. 404. To amend an Act entitled "To regulate the manufacture for sale, the transportation, sale and possession of cereal beverages in which hops, malt, or other light ingredients are used, containing not more than one-half of one per cent alcohol," passed October 6, 1932; and to define "Cereal Beverages"; to provide the manner in which counties may prohibit the manufacture, brewing, sale and distribution of cereal beverages; and to provide penalties for the violation of the provisions of this Act.

By Mr. Weaver:

S. 405. To provide for the raising of public revenue by imposing privilege taxes on the manufacture and sale of cereal beverages of an alcoholic content of not more than 3.2, percentum by weight; to provide for the imposing, levying and assessing of excise and privilege taxes on dealers of such cereal beverages and provide for the collection of such taxes; to provide for the issuance of permits and licenses, to engage in the business taxed by this Act; to empower the chairman of the State Tax Commission to prescribe rules and regulations for the enforcement of this Act; to provide for the keeping of records relating to distribution and sale of such cereal beverages and to provide penalties for the violation of the provisions of this Act; and to appropriate funds for the purpose of carrying out the provisions of this Act.

Mr. Walton, Chairman of the Standing Committee on Military, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Johnston:

H. 823. To cede to the United States of American exclusive jurisdiction over the Fort McClellan Military Reservation in Calhoun County, Alabama.

Mr Walton, acting Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Starnes:

S. 361. To further provide for freeing Alabama highways of all toll bridges through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation.

By Mr. Woodall (with amendment):

S. 409. To authorize and empower the governor to contract rental or lease agreements with persons, firms, or corporations owning bridges across streams between counties and on state maintained highways, so as to make said bridges free for crossing of the travelling public and to provide for the payment of rental thereon.

By Mr. Toomer:

H. 646. To amend Section 6, of Article One of an Act entitled an Act, "To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers and duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to pro-

vide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads; persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act; except such laws pertaining to revenue; Approved August 23, 1927," as amended by an Act entitled an Act, "To amend Section 6, of Article One of an Act entitled an Act, "To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers and duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads; persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue; Approved April 10, 1931.

By Mr. Wallace:

H. 876. To further provide for freeing Alabama highways of all toll bridges through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation.

Mr. Rogers of Mobile, Chairman of the Standing Committee on Seaports, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Talyor (with amendment):

H. 432. To amend Section 7 of an Act entitled: An Act to give effect to the amendment to Section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws passed by the Legislature, to engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars"; continuing the authority granted the State of Alabama in Chapter 44, Article 4, of the Code of 1923, to engage in the work of internal improvement of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issue and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State in respect to said development; continuing an agency of the State known as the State Docks Commission, preserving the terms of office of the existing members of the State Docks Commission, providing for the election, subject to confirmation by the Senate, and/or the Governor, of members of the State Docks Commission, including the participation by the Governor in the election of members of the Commission under certain circumstances provided; to provide for the management and control of all of said operations by said agency; to prescribe and define the powers, duties and jurisdiction of such agency, including, among other things, the leasing of real estate within the boundaries of the State Docks area and exempting from State, County and municipal taxation structures and improvements as well as all permanent facilities erected, installed or located, within said boundaries, by lessees, their successors or assigns, for the period stipulated in such leases, and including the exercise of the power of eminent domain, and, among other things, to make rules and regulations concerning the licensing and disciplining of pilots, fixing pilotage fees, promulgating rules and regulations for the operation and maintenance of any seaport or harbor within the State, preventing and penalizing obstruction of any harbor or seaport, providing suitable penalties for the violation of any rule or regulation established by said Commission under the authority of this Act; to confer upon said agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority, and for the use of its facilities acquired or constructed under authority of this Act, to require all persons and corporations rendering like services or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to establish harbor lines

and to grant licenses to riparian owners to erect aids to navigation; to regulate generally the acquisition, construction, development and operation by the State of harbor improvements; including, among other things, all kinds of terminal facilities at seaports; to repeal all laws in conflict with this Act, and expressly repealing the following sections of the Code of 1923, viz: Sections 2427 to 2517, both inclusive. Approved January 17, 1927.

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Swift:

S. 398. To provide for the revision and codification of the general laws of Alabama relating to education.

Mr. Kelly, Chairman of the Standing Committee on Immigration and Industrial Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Riddle (with amendments):

S. 371. To create and provide for and regulate a Department of Labor in the State of Alabama: to prescribe its authority and jurisdiction, and provide for a Commissioner of Labor and fix his salary and define his duties.

ADVERSE REPORT

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the Adverse Calendar, to-wit:

By Mr. Russell:

S. 372. To Amend Schedule 7, of Section 348, Article 13, Chapter 1, of an Act to provide for the General Revenue of the State of Alabama, approved July 10th, 1935.

RESOLUTIONS

The Rules Committee reported the following Senate Resolution:

S. R. 104. BE IT RESOLVED BY THE SENATE, that upon a call of Calendar bills for to-day the Senate will first consider all local bills in the order in which they appear upon the Calendar and immediately upon the completion of the calendar of local bills, the Senate shall take up, for consideration, the following bills, which shall constitute a Special, Paramount and Continuing

Order of business of the Senate until all of said bills are disposed of:

1. Local Bills.
2. H. 781, Page 10.
3. H. 545, Page 22.
4. S. 5, Page 2.
5. S. 6, Page 2.
6. H. 852, Page 28.
7. H. 745, Page 9.
8. S. 392, Page 22.
9. S. 388, Page 28.

And on motion of Mr. Riddle, said report was concurred in, the Resolution adopted and said bills made Special, Paramount and Continuing Orders in the order above stated.

The Rules Committee reported the following Senate Joint Resolution:

S. J. R. 105. RESOLVED by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Friday August 23, 1935, at ten A. M.

Mr. Frazer offered the following amendment to said Resolution to-wit:

Amend S. J. R. 105 by substituting "Tuesday August 27" for Friday "Aug. 23."

And the amendment was lost.

Yeas, 14; Nays, 16.

Yeas:

Messrs.:

Chesnut	Locke	Russell	Walden
Dorsey	Mixon	Starnes	Walton
Frazer	McDowell	Taylor	Weaver
Glover	Parrish		

—14

Nays:

Messrs.:

Bonner	Kelly	St. John	Thomas
Browder	Kuykendall	Simpson	Tucker
Carlton	Mooneyham	Stephens	Wellborn
Fletcher	Riddle	Swift	Woodall

—16

And the Resolution of the Rules committee was then adopted.

Yeas, 23; Nays, 7.

Yeas:

Messrs.:

Bonner	Glover	McDowell	Swift
Browder	Kelly	Riddle	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Wellborn
Dorsey	Mixon	Starnes	Woodall
Fletcher	Mooneyham	Stephens	

—23

Nays:
Messrs.:

Frazer
Parrish

Russell
Taylor

Walden
Walton

Weaver

—7

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 182. To regulate the practices of professional engineering including land surveying; creating a State Board of Registration for Professional Engineers and Land Surveyors; defining its powers and duties; also imposing certain duties upon the State and political subdivisions thereof in connection with public works; providing penalties.

S. 227. To amend Sections 5 and 6 of an Act entitled, "An Act to regulate the public schools in the County of Mobile"; approved February 15th, 1876.

S. 229. To amend an Act Entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" approved April 11, 1933. (Local acts 1933, No. 136, Senate Bill 203—Duncan)

S. 320. To create the office of County Solicitor of Washington County, Alabama, to provide for the appointment to fill vacancy in the office, to provide for the election of such County Solicitor by the qualified voters of said County, to prescribe his powers, duties, and qualifications, to provide for his compensation, to provide how it shall be paid, and to repeal all laws in conflict therewith.

S. 321. To abolish the office of Deputy Solicitor of Washington County, Alabama, and to provide that such bill shall not affect any general, special or local law, except as herein provided.

S. 362. To create an Armory Commission for the State of Alabama and to authorize the persons named therein to form and organize a corporation to be known as the "Armory Commission of Alabama"; to specify and define its authority and duties; to authorize said Commission when incorporated to construct and maintain armories, drill and training areas for the National Guard and Naval Militia and their various units; to authorize municipalities, counties, the State and others to co-operate in and about the construction of armories, the providing of drill and training areas and to assist in paying therefor; to authorize municipalities and

counties to convey to The Armory Commission of Alabama lands owned by them on which to construct such armories, whether such lands already be used for parks or other purposes; to authorize The Armory Commission of Alabama to finance, or refinance armory buildings that have already been constructed, to finance the improvement of such armories, and to authorize The Armory Commission of Alabama to finance the construction of other or further or additional armories; and to authorize the Governor of Alabama, in his discretion, to use a part of any appropriation made for military purposes for the purpose of paying any deficit of principal or interest under any plan of financing or refinancing, adopted by The Armory Commission of Alabama for the financing, or refinancing, of armories already in existence, the construction of, improvements to or additions to, such armories already in existence and the construction of new and additional armories.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:
By Messrs. Glover and Parrish:

H. 431. To require all county officials of Henry County, Alabama, to pay the premiums on their official bonds and to make it unlawful to make the premiums of such official bonds a charge against the County and payable out of the County Treasury.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the Legislature of Alabama at its present session for introduction and passage of the following bill:

A BILL, TO BE ENTITLED AN ACT

To require all County officers of Henry County, Alabama, to pay the premiums on their official bonds and to make it unlawful to make the premiums of such official bonds a charge against the County and payable out of the County Treasurer.

Be it enacted by the Legislature:

Section 1. That on and after the passage and approval of this Act all County officials of Henry County, Alabama, shall be required to pay the

premiums on their respective bonds and it shall be unlawful to make such premiums a charge against the County and payable out of the County Treasury.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
HENRY COUNTY.

Before me, E. C. Glover, a Notary Public, in and for said county, in said State, personally appeared R. M. Fuller, who is known to me, and who by me being duly sworn, deposes and says that he is the editor and publisher of The Abbeville Herald, a newspaper published in the town of Abbeville, County of Henry, State of Alabama; that the attached notice is a true and correct copy of the notice which was published in said newspaper for four consecutive weeks, on, to-wit: Jan. 24, Jan. 31, Feb. 7, and Feb. 14, 1935.

R. M. FULLER,

Editor and Publisher, The Abbeville Herald.

Sworn to and subscribed before me, this 6th day of May, 1935.

E. C. GLOVER,

(Seal)

Notary Public, Henry County, Alabama.

Also:

By Mr. Staples:

H. 900. To alter or rearrange the boundary line on the City of Mobile, Alabama, so as to exclude from the City of Mobile certain territory described herein and now included within the corporate limits of said City of Mobile.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill will be introduced at the present or any adjourned session of the 1935 Legislature of Alabama:

AN ACT

To alter or rearrange the boundary line of the City of Mobile, Alabama, so as to exclude from the City of Mobile certain territory described herein and now included within the corporate limits of said City of Mobile.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the boundary lines of the City of Mobile, Alabama, be and the same are hereby altered and rearranged so as to exclude from within the corporate limits of said municipality the following territory: Beginning at a point, which is the intersection of the U. S. Exterior Harbor line on the East side of Mobile River as now recognized and established (or a prolongation thereof) with the U. S. Exterior Harbor Line on the Northeast side of Pinto Island, as now recognized and established (or a prolongation thereof); and from said point of intersection run due east to the St. Stephens Meridian, thence run due south along the St. Stephens Meridian to a point, which is due east of a point which is formed by the intersection of the U. S. Exterior Harbor Line on the East side of Mobile River (as now recognized and established) with the Southern most point of Pinto Island, thence due west to said point of intersection; thence northwardly along the U. S. Ex-

terior Harbor Line on the east side of Mobile River as now recognized and established, to the place of beginning. It being the intention to describe all of Pinto Island and those Islands contiguous thereto in Pinto Pass.

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor or upon its becoming law without such approval.

PROOF OF PUBLICATION

STATE OF ALABAMA, COUNTY OF MOBILE, CITY OF MOBILE.

Personally appeared before me, the undersigned, A Notary Public, in and for said State and County, Sidney Berrey, who being duly sworn, states that he is Managing Owner of the MOBILE POST and that the annexed publication has been regularly made once a week for 4 consecutive weeks, to-wit:

On July 19th, 26th, August 2nd, and 9th, 1935, respectively, in the MOBILE POST, a newspaper printed and published in the City and County of Mobile, State of Alabama.

SIDNEY BERREY.

Sworn to and subscribed before me, this 9th day of August, 1935.

Notary Public, Mobile County, Alabama.

Also:

By Mr. Taylor:

H. 901. To alter or rearrange the boundary line of the City of Mobile, Alabama, so as to exclude from the City of Mobile certain territory described herein and now included within the corporate limits of said City of Mobile.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill will be introduced at the present or any adjourned session of the 1935 Legislature of Alabama:

AN ACT

To alter or rearrange the boundary line of the City of Mobile, Alabama, so as to exclude from the City of Mobile certain territory described herein and now included within the corporate limits of said City of Mobile.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the boundary lines of the City of Mobile, Alabama, be and the same are hereby altered and rearranged so as to exclude from within the corporate limits of said municipality the following territory: Beginning at the intersection of the present north line of the limits of the City of Mobile, Alabama, as established by an Act of the Legislature of Alabama, approved July 22nd, 1931, with the United States Exterior Harbor line on the east side of Mobile River, and from said point of beginning running thence due east to a point of intersection with the St. Stephens Meridian, thence due south along said St. Stephens Meridian to a point which is due east from the extreme southern end of Blakely Island, thence due west to the intersection of the United States exterior harbor line on the east side of Mobile River

as now existing, thence northeastwardly and northwardly following the United States Exterior Harbor line on the east side of Mobile River to the place of beginning. It being the intention to describe all of that portion of Blakely Island bounded on the north by the north line of the present limits of the City of Mobile, Alabama, on the east by St. Stephens Meridian, on the south and southwest by the United States Exterior Harbor Line as now established through Pinto Pass, and on the west by the United States Exterior Harbor Line on the east side of Mobile River.

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor or upon its becoming law without such approval.

PROOF OF PUBLICATION

STATE OF ALABAMA,
COUNTY OF MOBILE.

Personally appeared before me, Marion R. Vickers, a Notary Public in and for Mobile County, Alabama, Sidney Berrey, who being first duly sworn, states that he is Owner and Publisher of the MOBILE POST and that the annexed publication has been regularly made once a week for four consecutive weeks, to-wit: On June 28, July 5, 12, 19, 1935, respectively, in the MOBILE POST, a newspaper printed and published in the City and County of Mobile, and State aforesaid.

SIDNEY BERREY.

Subscribed and sworn to before me, this 27th day of July, 1935.

(Seal) MARION R. VICKERS,
Notary Public, Mobile County, Ala.

Also:

By Mr. Coleman:

H. 940. To provide for the payment to the Clerk and/or Sheriff of Marshall County of all costs and/or fees accruing after the passage of this Act which would otherwise be payable out of the fine and forfeiture fund of Marshall County to be paid quarterly out of the general fund of said County instead of out of the fine and forfeiture fund of said County; to provide for the method, manner and time of the payment of the same and make the same a preferred claim against the general fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the fine and forfeiture fund of Marshall County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama for the passage of the following bill to be enacted into law in this State:

"AN ACT

To provide for the payment to the Clerk and/or Sheriff of Marshall County of all costs and/or fees accruing after the passage of this Act which

would otherwise be payable out of the fine and forfeiture fund of Marshall County to be paid quarterly out of the general fund of said County instead of out of the fine and forfeiture fund of said County; to provide for the method, manner and time of the payment of the same and make the same a preferred claim against the general fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the fine and forfeiture fund of Marshall County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That on and after the passage and approval of this Act all costs and/or fees that accrue to the Clerk and/or Sheriff of Marshall County, Alabama which would otherwise be a legal claim against the fine and forfeiture fund of Marshall County, Alabama in favor of such Clerk and/or Sheriff shall be paid quarterly to such Clerk and/or Sheriff out of the general fund of Marshall County, Alabama instead of being paid out of the fine and forfeiture fund of said County and which shall be a preferred claim on the general fund of said County. Said Clerk and/or Sheriff shall itemize quarterly and file with the Board of Revenue of Marshall County a statement of such costs and/or fees under oath and when so filed must be allowed as a claim against the general fund and for which warrant must be immediately drawn, payable to such Clerk and/or Sheriff for such fees and/or costs, but nothing in this Bill contained shall otherwise than as herein specified affect any of the laws with reference to the fine and forfeiture funds of Marshall County."

State of Alabama
Marshall County

Before me, Claud D. Scruggs, a Notary Public, personally appeared Y. Burke on this the 3rd day of August 1935, who being by me first duly sworn, on oath states that he is the editor of the Guntersville Advertiser and Democrat, a newspaper of general circulation, published in Guntersville, Marshall County, Alabama, that the attached above and foregoing notice was published, giving notice of the intention to apply for enactment of the bill set out in said notice, which notice was published in said newspaper for four consecutive weeks in its issues of June 26, July 3, July 10, and July 17 of the year 1935, and that said notice was published without cost to the State of Alabama.

Y. BURKE.

Sworn to and subscribed before me this the 3rd day of August, 1935.

CLAUD D. SCRUGGS,
Notary Public.

Also:

By Mr. Miles:

H. 943. To allow the Sheriff of Blount County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Blount County in monthly installments.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is given that at the present session of the Legislature of Alabama the following bill will be introduced in an effort to enact the same into law, to-wit:

"AN ACT

To allow the Sheriff of Blount County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Blount County in monthly installments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section One. That the Sheriff of Blount County is hereby allowed an additional deputy to the deputy or deputies now provided by law, which said deputy shall receive a salary of Nine Hundred (\$900.00) Dollars per annum, to be paid in twelve equal monthly installments out of the General Funds of said County; that said deputy shall be eligible to perform the duties of deputy sheriff anywhere in said County.

Section Two. That on the first day of each month a statement of the name and amount due said deputy sheriff shall be furnished to the Commissioners Court by the Sheriff and it shall thereupon be the duty of said County to order a warrant drawn upon the General Funds of the County payable to said deputy sheriff for the amount of one months salary as hereinabove provided.

Section Three. That all laws and parts of laws in conflict with this Act are hereby expressly repealed and this Act shall be in full force and effect from the date of its approval by the Governor.

PROOF OF PUBLICATION

STATE OF ALABAMA }
BLOUNT COUNTY }

Personally appeared before me, J. E. Bains, a Notary Public in and for Blount County, Alabama, F. G. Stephens, who being first duly sworn, states that he is Editor of The Southern Democrat, and that the annexed publication has been regularly made once a week for four consecutive weeks, to-wit: On July 25, August 1, August 8, and August 15, 1935 respectively, of the Southern Democrat, a newspaper printed and published in the City of Oneonta, County of Blount, and State aforesaid.

F. G. STEPHENS.

Sworn to and subscribed before me, this 15 day of August, 1935.

J. E. BAINS,
Notary Public.

Also:

By Mr. Heflin:

H. 944. To relieve all persons in Randolph County, Alabama of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such obligation to work on the public roads in said Randolph County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

State of Alabama,
Randolph County.

Notice is hereby given that a Bill will be introduced in the Legislature of Alabama, at the next session of the Legislature, beginning on the 30th day of July, 1935, to exempt all persons in Randolph county, Alabama, from

working the public roads, in Randolph county, Alabama, and to exempt all persons from paying road tax.

This, 24th day of July, 1935.

JOHN T. HEFLIN.

THE STATE OF ALABAMA,
RANDOLPH COUNTY.

Before me, P. A. Hurst, a notary public in and for said state and county, appeared O. H. Stevenson, publisher of THE ROANOKE LEADER, a newspaper published in Roanoke, Randolph County, Alabama, who, being duly sworn, deposes and says that a notice advertising bill to be introduced in the Legislature to exempt all persons in Randolph county from working the public roads or paying road tax appeared in said paper in the issues of July 24, 31; Aug. 7, 14, 1935, and that a copy of said notice is hereto attached.

(Signed)

O. H. STEVENSON.

Sworn to and subscribed before me this, the 14th day of August 1935.

P. A. HURST.

(Seal)

Notary Public.

Also:

By Mr. Shipman:

H. 949. To relieve all persons of any legal obligations to work public roads or streets in Pike County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the present session of the Legislature of Alabama the following local bill will be introduced and sought to be passed, to-wit:

A BILL, TO BE ENTITLED AN ACT

To relieve all persons of any legal obligation to work public roads or streets in Pike County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That all persons in Pike County, Alabama, be and they are hereby relieved of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such legal obligation to work on the public roads or streets in said county.

Section 2. That all laws and parts of laws in conflict with this Act are hereby expressly repealed.

Section 3. This Act shall take effect immediately upon its passage and approval.

J. H. PARISH.

THE STATE OF ALABAMA }
PIKE COUNTY }

Before me, Howard Johnston, a Notary Public in and for said State and County, personally appeared M. N. Dodson, who being sworn, deposes and says on oath, that he is the editor of THE TROY MESSENGER, a newspaper published daily except Sunday, in the City of Troy, Pike County, Alabama, and that the foregoing attached notice, Notice of Local Bill for Pike County was published in said newspaper 4 times, the same appearing in the issues dated: May 18, May 25, June 1 and June 8, 1935

M. N. DODSON.

Sworn to and subscribed before me this the 14 day of Aug., 1935.

(Seal)

HOWARD JOHNSTON,

Notary Public, Pike County, Ala.

Also:

By Mr. McPhaul:

H. 373. To Revise and Amend "An Act to Revise and Amend Chapter 224 of the Code of 1907," approved September 29, 1923.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 431, 900, 901, 940, 943, 944 and 949, to the Committee on Local Legislation.

H. 373, to the Committee on Fish and Game.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Quarles:

H. J. R. 301. Whereas, Senate Bill No. 362 was introduced in the Senate by Senator Woodall, and House Bill No. 891 was introduced in the House of Representatives by Representative Quarles, the two bills being identical and introduced in both Houses concurrently;

Now therefore, Be it Resolved, by the House of Representatives, the Senate concurring, that Senate Bill No. 362 and House bill No. 891 be and the same are hereby known and designated as the Woodall-Quarles bill.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Tucker, H. J. R. 301, set out in the foregoing Message from the House, was concurred in and adopted.

BILLS RETURNED AND RE-REFERRED

Mr. Simpson, Chairman of the Standing Committee on Judiciary reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a request that it be re-referred to another Committee, to-wit:

H. 179. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

Thereupon, the Presiding officer of the Senate re-referred said bill, H. B. 179, to the Standing Committee on Finance and Taxation.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a recommendation that it be re-referred to the Committee on Revision of Laws, to-wit:

S. 348. To exempt disabled Veterans of the World War and of the Spanish American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama, and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed.

Thereupon, the Presiding officer of the Senate re-referred said bill, S. B. 348, to the Committee on Military.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report to-wit:

H. J. R. 278. Creating a Joint Committee of two from the House and one from the Senate, to be named by the Governor to work without pay with the Alabama League of Municipalities and the Bureau of Business Research of the University of Alabama; to ascertain methods of providing the lease to property owners whose property has been sold in default of the amounts due for a surplus of improvements.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 848. To provide compensation for the members of the Commissioners Court of Pickens County, Alabama, and to limit the number of days per month they may draw the same, and repeal all laws and parts of laws in conflict therewith.

Also:

H. 849. To provide for the Nomination of Members of the Court of County Commissioners of Pickens County, Alabama, in Primary elections; To provide for the manner of their elections, and to fix the residences of said County Commissioners

Also:

H. 850. To provide for the election of a County Superintendent of Education for Pickens County, Alabama, by the qualified voters of said County, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties and to provide for the election of his successor in office.

E. F. Taylor.
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

BILL TAKEN FROM ADVERSE CALENDAR

Pursuant to written notice heretofore given, Mr. Wellborn moved to take from the Adverse Calendar, have the same read a second time and placed on the regular Calendar, the bill:

S. 139. To provide for the examination and audit by the Division of Departmental and County Audits of the records of all city officers in cities of Alabama which may now or hereafter have a population of ten thousand (10,000) or more according to the last or any subsequent Federal Census; to provide for the payment of the cost of said examination; and to provide for the employment of a sufficient number of clerical assistants in the Division of Departmental and County Audits to carry out the provisions of this Act.

Which motion prevailed, and said bill was taken from the Adverse Calendar, read a second time and placed upon the regular calendar for a third reading.

Yeas, 24; Nays, 8.

Yeas:

Messrs.:

Browder
Carlton
Dorsey
Fletcher
Frazer
Glover

Goldsmith
Kelly
Kuykendall
Locke
McDowell
Riddle

Rogers (Mobile)
St. John
Simpson
Starnes
Swift
Thomas

Tucker
Walden
Walton
Weaver
Wellborn
Woodall

—24

Nays:

Messrs.:

Bonner
Chesnut

Mixon
Mooneyham

Parrish
Russell

Stephens
Taylor

—8

BILLS TEMPORARILY POSTPONED

Mr. Bonner moved that further consideration of the bill:

S. 5. To amend Section 1507, Chapter 37, of the Political Code of Alabama 1923.

Also:

S. 6. To amend Section 1508, Chapter 37, of the Political Code of Alabama of 1923.

Be postponed until the fiftieth Legislative Day.

Mr. Stephens moved to table the motion to postpone further consideration of said bills until the fiftieth Legislative Day, which motion was lost.

Yeas, 10; Nays, 19.

Yeas:

Messrs.:

Browder

Chesnut

Fletcher

Kuykendall

Mixon

Riddle

St. John

Simpson

Starnes

Stephens

—10

Nays:

Messrs.:

Bonner

Carlton

Dorsey

Frazer

Glover

Goldsmith

Locke

Mooneyham

McDowell

Parrish

Rogers (Mobile)

Russell

Swift

Taylor

Tucker

Walden

Weaver

Wellborn

Woodall

—19

PAIR ANNOUNCED

Mr. Walton announced that he and Mr. Rogers of Sumter were paired on the vote; that Mr. Rogers of Sumter, if present, would vote "no," and he, Mr. Walton, would vote "aye."

The question then recurred on the motion of Mr. Bonner to postpone further consideration of said bills until the fiftieth Legislative Day, which motion prevailed and further consideration of said bills was postponed until the fiftieth Legislative Day.

Yeas, 19; Nays, 10.

Yeas:

Messrs.:

Bonner

Carlton

Dorsey

Frazer

Glover

Goldsmith

Locke

Mooneyham

McDowell

Parrish

Rogers (Mobile)

Russell

Swift

Taylor

Tucker

Walden

Weaver

Wellborn

Woodall

—19

Nays:

Messrs.:

Browder

Chesnut

Fletcher

Kuykendall

Mixon

Riddle

St. John

Simpson

Starnes

Stephens

—10

PAIR ANNOUNCED

Mr. Walton announced that he and Mr. Rogers of Sumter were paired on this vote; that Mr. Rogers of Sumter, if present, would vote "aye" and he, Mr. Walton, would vote "no."

Mr. Bonner moved that the vote by which said bills were postponed until the fiftieth Legislative Day, be re-considered, which motion was lost and the Senate refused to re-consider said vote.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Judiciary Committee:

H. J. R. 304. WHEREAS the Act of Congress, known as the National Recovery Act, has been held invalid by the Supreme Court of the United States; and,

WHEREAS, many proposals have been made that Legislation be passed, carrying into effect in this State certain features or provisions or principles of said National Recovery Act; and,

WHEREAS, such proposals have taken numerous forms and involve questions of legal authority and wisdom; and,

WHEREAS, it is the consensus of the Legislature that no piecemeal legislation should be passed, but that careful study should be devoted to the subject in all its phases;

NOW, THEREFORE,

BE IT RESOLVED by the House, the Senate concurring,

That the Governor, immediately upon passing of this Resolution, appoint a committee to study the subject of regulatory legislation, commonly known and referred to as N. R. A. legislation, and to prepare a report and such bills as it may recommend, to the earliest special or regular session of the Legislature.

BE IT FURTHER RESOLVED that it is the sense of the Legislature that all pending bills on such subjects be deferred until such time such committee makes its report.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 304, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Mr. Thomas:

S. J. R. 103. Relative to requesting the President of the United States to continue the 12c loan on cotton for the year 1935. And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

ORDER TO PRINT

On motion of Mr. Rogers of Mobile, 500 copies of the bill:

S. 401. To promote temperance and suppress the evils of intemperance; to discourage the violation of the State statutes forbidding the manufacture, sale, offering for sale of intoxicating liquors; to provide for an election in each of the counties of the state in which the qualified electors of each county shall, by a majority vote thereof, determine whether or not Alabama's present laws against the manufacture, sale, and distribution of prohibited liquors in each such county shall be modified therein; to provide for such elections from time to time in such counties to likewise determine said issue in such respective counties; and in counties authorizing the same by such election, to legalize, regulate, and control the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking, and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation, or otherwise; to create a department of Alcoholic Beverage Control and an Alabama Alcoholic Beverage Control Board and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, costs, and expenses of such Board and its members, officers, agents, and employees; to provide for the manufacture, sale and distribution of such alcoholic beverages by said Board; to provide for the sale and purchase at retail at state stores in such counties of alcoholic beverages of a higher alcoholic content than beer; to provide for the sale in such counties of beer at retail by such persons as shall be so authorized by the said Board; to authorize said Board to issue rules and regulations governing the manufacture, sale, and possession of such beverages in said counties; to make it a misdemeanor for any person to purchase any such beverages from any person or persons except those authorized by this act and by the Board under the provisions of this act; to make it a misdemeanor for any person to drink intoxicating liquors other than beer in a public place; to appropriate money for the administration of the act and to provide for the disposition of the net profits collected under the act; to provide for the confiscation and disposition of articles declared contraband hereunder; to impose penalties for violations of the

act; to repeal all acts and parts of acts in conflict herewith, and to provide that this act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act."

Were ordered printed for use of the Senate.

BILLS ON THIRD READING

The bill:

H. 737. To create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census; or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a County wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizen Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such Counties; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel and over such counties and municipalities therein; to provide for payment of the expenses of each such agency and for a division of such expense between the county affected and the municipalities therein; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Kuykendall	St. John	Walden
Chesnut	Locke	Simpson	Walton
Dorsey	Mixon	Starnes	Weaver
Fletcher	Mooneyham	Stephens	Wellborn
Frazer	McDowell	Swift	Woodall
Glover	Riddle	Taylor	

—31

Nays:—None.

The bill:

H. 817. To define, regulate and license barbers and barber colleges, and other like businesses in Mobile County, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Tucker
Browder	Locke	Simpson	Walden
Carlton	Mixon	Stephens	Walton
Chesnut	McDowell	Swift	Weaver
Fletcher	Parrish	Taylor	Wellborn
Frazer	Rogers (Mobile)	Thomas	Woodall
Glover	Russell		

—26

Nays:—None.

The bill:

H. 844. To fix and provide for a supplementary salary of the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to fix the amount of such salary and to provide that same shall be paid out of the General Funds of the County Treasury of Mobile County, Alabama, and to provide that such salary shall be a preferred claim against the County and to be paid in equal monthly installments.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Tucker
Browder	Locke	Simpson	Walden
Carlton	Mixon	Stephens	Walton
Chesnut	McDowell	Swift	Weaver
Fletcher	Parrish	Taylor	Wellborn
Frazer	Rogers (Mobile)	Thomas	Woodall
Glover	Russell		

—26

Nays:—None.

The bill:

H. 851. To prescribe the duties and fix the compensation of the Deput Solicitor for St. Clair County, Alabama, and to repeal all laws and parts of laws in conflict with this Act.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Tucker
Browder	Locke	Simpson	Walden
Carlton	Mixon	Starnes	Walton
Chesnut	McDowell	Swift	Weaver
Fletcher	Parrish	Taylor	Wellborn
Frazer	Rogers (Mobile)	Thomas	Woodall
Glover	Russell		

—26

Nays:—None.

The bill:

H. 831. To Amend Section Three (3). Four (4), and Seven (7) of An Act Entitled An Act To Provide for the Election of a County Superintendent of Education for DeKalb County, Alabama, to fix his term of office, to provide his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office, approved September 19, 1923, Local Acts of Alabama, pages 211-212, 1923.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Tucker
Browder	Locke	Simpson	Walden
Carlton	Mixon	Starnes	Walton
Chesnut	McDowell	Swift	Weaver
Fletcher	Parrish	Taylor	Wellborn
Frazer	Rogers (Mobile)	Thomas	Woodall
Glover	Russell		

—26

Nays:—None.

The bill:

H. 766. To regulate, fix, and limit, the duties and powers of the Court of County Commissioners of Escambia County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Tucker
Browder	Locke	Simpson	Walden
Carlton	Mixon	Starnes	Walton
Chesnut	McDowell	Swift	Weaver
Fletcher	Parrish	Taylor	Wellborn
Frazer	Rogers (Mobile)	Thomas	Woodall
Glover	Russell		

—26

Nays:—None.

The bill:

H. 747. To repeal an Act of the General Assembly of Alabama, approved December 8, 1898, entitled "An Act to allow stock to run at large in Beat 12, Lee County, at certain seasons of the year."

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Chesnut	Frazer	Mixon
Browder	Dorsey	Kelly	McDowell
Carlton	Fletcher	Locke	Parrish

Rogers (Mobile)	Starnes	Tucker	Weaver
Russell	Swift	Walden	Wellborn
St. John	Taylor	Walton	Woodall
Simpson	Thomas		

—26

Nays:—None.

The bill:

H. 870. To regulate further the financing of public improvements, to permit the reduction or abatement of assessments therefor in certain cases, to provide for the refunding of bonds issued therefor and to validate proceedings heretofore taken relating thereto in cities having a population of as many as fifty thousand and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:			
Bonner	Kelly	St. John	Tucker
Browder	Locke	Simpson	Walden
Carlton	Mooneyham	Stephens	Walton
Chesnut	McDowell	Swift	Weaver
Dorsey	Parrish	Taylor	Wellborn
Fletcher	Rogers (Mobile)	Thomas	Woodall
Frazer	Russell		

—26

Nays:—None.

The bill:

H. 830. To require the Court of County Commissioners, or like governing body of Cullman County, to appropriate annually out of the general fund of the County a sum not less than Five Thousand (\$5,000.00) Dollars; such sum to be a preferred claim and payable to the budget of the Cullman County Health Department for the establishment, maintenance and operation of a health department in said county.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:			
Bonner	Kelly	St. John	Tucker
Browder	Locke	Simpson	Walden
Carlton	Mooneyham	Stephens	Walton
Chesnut	McDowell	Swift	Weaver
Dorsey	Parrish	Taylor	Wellborn
Fletcher	Rogers (Mobile)	Thomas	Woodall
Frazer	Russell		

—26

Nays:—None.

The bill:

H. 789. To provide for and regulate the assessment, levy and collection of Municipal taxes of the city of Opelika, in Lee County, Alabama, and to define the duties of State, County and Municipal offices and officers in regard thereto, and to fix the tax year for the said city of Opelika, and to make the Tax Collector of Lee County, Alabama, ex-officio collector of property taxes for the said city of Opelika.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Tucker
Browder	Locke	Simpson	Walden
Carlton	Mooneyham	Stephens	Walton
Chesnut	McDowell	Swift	Weaver
Dorsey	Parrish	Taylor	Wellborn
Fletcher	Rogers (Mobile)	Thomas	Woodall
Frazer	Russell		

—26

Nays:—None.

The bill:

S. 381. To authorize the Judge of Probate, the Tax Assessor and the Tax Collector in all counties which now or may hereafter embrace an area of twelve hundred and fifty (1250) or more square miles, where it is necessary or expedient to the efficient conduct of such offices, to employ more help than is allowed by the provisions of House Bill 324, approved July 10, 1935, when such employment is authorized and approved by the Court of County Commissioners or like governing body of such counties, duly entered on the minutes of such Court.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Tucker
Browder	Locke	Simpson	Walden
Carlton	Mooneyham	Stephens	Walton
Chesnut	McDowell	Swift	Weaver
Dorsey	Parrish	Taylor	Wellborn
Fletcher	Rogers (Mobile)	Thomas	Woodall
Frazer	Russell		

—26

Nays:—None.

The bill:

H. 781. To amend Section 18 of an Act entitled, "An Act to establish Jury Boards in the several counties of this State, to fix

the membership of said Boards, to prescribe the qualifications and terms of office and provide for the appointment of the members thereof; to fix their compensation and to define their duties; to provide for the appointment, duties and compensation of clerks of said Boards, for the qualifications of jurors, for the preparation of Jury rolls and the emptying, filling and refilling of jury boxes; and to provide for the payment of the necessary expenses of the Board. (Approved February 20, 1931)."

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Mixon	St. John	Tucker
Carlton	Mooneyham	Simpson	Walden
Chesnut	McDowell	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Glover	Riddle	Swift	Wellborn
Goldsmith	Rogers (Mobile)	Taylor	Woodall
Kelly			

—29

Nays:—None.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled S. J. R. with the engrossed and original Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 103. Requesting the President of the United States to continue the 12c loan on cotton for the year 1935.

Earle Thomas,
Chairman.

SIGNING OF RESOLUTION

The President of the Senate in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Resolution, the title of which is set out in the foregoing report of the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objection and proposed amendment to the bill:

By Mr. Sparks (Barbour):

H. 433. To amend Section 6105 of the Code of Alabama of 1923 by adding thereto the provision that the trial court shall retain jurisdiction of the cause to hear and determine motion for a new trial and to provide that any appeal shall raise the question of the correctness of the courts' ruling on the motion for a new trial.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Gentlemen:

I am returning herewith to you, the body in which it originated, House Bill No. 433 without by approval.

It appears from the comparison of the Code that Section 6105 Code of 1923 here sought to be amended is an exact duplicate of Section 3237 of the Code of 1923, I therefore suggest the following executive amendment, which if adopted will meet my objection to the Bill.

Amend the title of the Act so that it shall read as follows:

"An Act to repeal Section 3237 and to amend Section 6105 of the Code of Alabama of 1923 by adding thereto the provision that the trial court shall retain jurisdiction of the cause to hear and determine motion for a new trial and to provide that any appeal shall raise the question of the correctness of the court's ruling on the motion for a new trial."

Amend the bill by adding thereto Section Two to read as follows:

"That Section 3237 of the Code of Alabama of 1923 be and the same is hereby repealed."

(Signed)

Respectfully,
BIBB GRAVES,
Governor.

August 22, 1935.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 433, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 78; Nays, 0.

And said bill, H. 433, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 78; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Walton, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. B. 433, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	McDowell	Taylor
Browder	Goldsmith	Parrish	Thomas
Carlton	Kelly	Riddle	Tucker
Chesnut	Kuykendall	St. John	Walden
Dorsey	Locke	Simpson	Walton
Fletcher	Mixon	Stephens	Weaver
Frazer	Mooneyham	Swift	Woodall

—28

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, H. 433, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 28; Nays, 0 .

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Parrish	Swift	Wellborn
Goldsmith	Riddle	Taylor	Woodall

—28

Nays:—None.

Which was a majority of the whole number elected to the Senate.

SPECIAL ORDER

The next Special Order to-wit:

H. 545. To provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed.

Was taken up.

Mr. Locke offered the following amendment to said bill to-wit:

Amend House Bill No. 545 by adding at the end of Section 11 thereof the words and figures as follows: "Provided the compensation or salary of the Chief of said State Highway Patrol shall not exceed the sum of \$2000.00 per year, and that the compensation or salary of each member of said State Highway Patrol shall not exceed the sum of \$100.00 per month.

Which was adopted.

Yeas, 17; Nays, 12.

Yeas:

Messrs.:

Bonner	Goldsmith	Russell	Taylor
Browder	Locke	Simpson	Tucker
Carlton	McDowell	Starnes	Walden
Dorsey	Parrish	Swift	Wellborn
Frazer			

—17

Nays:

Messrs.:

Chesnut	Mixon	St. John	Walton
Glover	Mooneyham	Stephens	Weaver
Kelly	Riddle	Thomas	Woodall

—12

Mr. Locke also offered the following amendment to said bill to-wit:

Amend House Bill 545 by adding thereto a Section to be known as Section 11½.

Section 11½. The Probate Judges of the several Counties shall receive for their services in issuing the said licenses hereunder a fee of Ten Cents (.10c) for each license issued by them, which fee shall be paid by the applicant, and no other fees of any kind are to be charged by the said Probate Judges in connection with this Act.

Mr. Woodall offered the following substitute for the amendment offered by Mr. Locke, to-wit:

Amend House Bill No. 545 by adding thereto Section 11½ to read as follows:

Section 11½. The Probate Judges of the several counties shall receive for their services a fee of ten cents for each fifty cent license and a fee of five cents for each twenty five cent license issued under this Act, such fee to be paid by the applicant. No other fee shall be collected by the Probate Judges of the several counties for their services under the provisions of this Act.

Which was adopted.

Yeas, 25; Nays, 7.

*Yeas:**Messrs.:*

Bonner	Kelly	St. John	Tucker
Browder	Kuykendall	Simpson	Walden
Carlton	Mixon	Starnes	Walton
Chesnut	Mooneyham	Swift	Weaver
Dorsey	Parrish	Taylor	Wellborn
Glover	Russell	Thomas	Woodall
Goldsmith			

—25

*Nays:**Messrs.:*

Fletcher	Locke	Riddle	Stephens
Frazer	McDowell	Rogers (Mobile)	

—7

And the amendment offered by Mr. Locke, as thus amended, was then adopted.

Yeas, 32; Nays, 0.

*Yeas:**Messrs.:*

Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Dorsey	Mixon	Simpson	Walton
Fletcher	Mooneyham	Starnes	Weaver
Frazer	McDowell	Stephens	Wellborn
Glover	Parrish	Swift	Woodall

—32

Nays:—None.

Mr. Mooneyham offered the following amendment to said bill as amended to-wit:

Amend House Bill No. 545 Section 11 so as to read as follows:

Section 11. For the enforcement of the provisions of this Act, to promote the public safety and generally to perform the duties imposed upon him concerning the enforcement of all of the laws, the Governor is hereby authorized to establish a State Highway Patrol to consist of a "Chief of State Highway Patrol" and as many agents shall be appointed as in the opinion of the Governor it is necessary to properly enforce the provisions of this Act, said Agents when selected shall be placed on duty in any county in this State regardless of their residence, clerical assistants, stenographers, etc. as may by him be deemed necessary. Such officers and agents, when so authorized in writing by the Governor, shall have the power of Peace Officers in this State and may exercise said powers anywhere within the State. All persons so appointed shall hold office at the pleasure of the Governor and may be removed or discharged by him, with or without cause, at any time. The Compensation of such officers, agents and employees shall be fixed by the Governor and shall be paid by warrants drawn by the

comptroller on the Highway Patrol Funds of the State Treasury. And the Chief of the State Highway Patrol, with the approval of the Governor, is hereby authorized to purchase the necessary equipment to make effective the provisions of this Act. Said officers, agents and employees shall perform such duties as the Governor may direct.

Which was adopted.

Yeas, 19; Nays, 11.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Tucker	
Browder	Mooneyham	Simpson	Walton	
Chesnut	Riddle	Starnes	Weaver	
Glover	Rogers (Mobile)	Stephens	Woodall	
Goldsmith	Russell	Taylor		—19

Nays:

Messrs.:

Dorsey	Kuykendall	McDowell	Thomas	
Fletcher	Locke	Parrish	Walden	
Frazer	Mixon	Swift		—11

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 8.

Yeas:

Messrs.:

Bonner	Goldsmith	McDowell	Swift	
Browder	Kelly	Parrish	Taylor	
Carlton	Kuykendall	Riddle	Thomas	
Chesnut	Locke	Rogers (Mobile)	Walton	
Fletcher	Mixon	St. John	Woodall	
Glover	Mooneyham	Stephens		—23

Nays:

Messrs.:

Dorsey	Simpson	Tucker	Weaver	
Russell	Starnes	Walden	Wellborn	
				—8

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 97. To vest authority and power in the State Highway Commission to abandon and discontinue and to close grade crossings of State highways where such highways cross railroads or street railways within the State of Alabama.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

RECESS

At 1 P. M., on motion of Mr. Locke, the Senate took a recess until three o'clock this afternoon.

FORTY-SECOND DAY—AFTERNOON SESSION

Thursday, August 23rd, 1935

The Senate re-assembled at 3 P. M., President Pro-tem Riddle, Presiding.

ROLL CALL

Present:

Messrs.:	Goldsmith	Riddle	Taylor
Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Weaver
Fletcher	McDowell	Stephens	Wellborn
Frazer	Parrish	Swift	Woodall
Glover			

—32

LEAVE OF ABSENCE

On motion of Mr. Frazer, indefinite leave of absence was granted Mr. Goldsmith on account of illness.

INTRODUCTION OF BILLS

Upon call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows: By Mr. Woodall:

S. 419. To amend Section 12 of Article 1 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Committee on Finance & Taxation.

By Mr. Mooneyham:

S. 420. To require the tax assessors and tax collectors of the several counties in this State, having a population of not less than 75,000 nor more than 110,000 people, according to the last or any succeeding Federal Census, in addition to assessing and collecting the ad valorem taxes due the State and said counties on motor vehicles, to collect the ad valorem taxes on motor vehicles due all cities and municipalities in such counties; to provide for reports and payments of collections by tax collectors; and to fix compen-

sation of said assessors and collectors for the performance of their duties under this Act, which shall be in addition to compensation now received by them for assessing and collecting taxes for the State and such counties; and to repeal all laws or parts of laws, general or local in conflict with this Act.

Committee on Municipalities.

REPORTS OF COMMITTEES

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By. Mr. Browder:

S. 408. To provide plans of apportionment and distribution of school funds by county boards of education to boards of education of independent cities in the county.

By Mr. Walton:

S. 406. To provide authority for the State Board of Education and/or the trustees of all State Institutions, where education is a part of the program of the Institution, to borrow money from Federal Agencies for the erection of buildings, beautification of grounds, and the erection and maintenance of swimming pools at the several State Institutions; to authorize the issuance of bonds, warrants or other evidences of debt for the repayment of the amount borrowed with interest at a rate not to exceed four per cent semi-annually, and to pledge therefor the fees from students to be levied by the Institution for which the money is borrowed, and any other moneys not appropriated by the State to said Institution; to make such bonds, warrants or other evidences of debt not an obligation of the State and not payable out of any moneys provided by the State.

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fletcher:

S. 407. Relating to and regulating the manufacture, sale, possession, control, prescribing, administering, dispensing, compounding, mixing, cultivation and growth of narcotic drugs.

Mr. Bonner, Chairman of the Standing Committee on Temperance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dorsey:

S. 401. To promote temperance and suppress the evils of intemperance; to discourage the violation of the state statutes forbidding the manufacture, sale, offering for sale of intoxicating liquors; to provide for an election in each of the counties of the state in which the qualified electors of each county shall, by a majority vote thereof, determine whether or not Alabama's present laws against the manufacture, sale, and distribution of prohibited liquors in each such county shall be modified therein; to provide for such elections from time to time in such counties to likewise determine said issue in such respective counties; and in counties authorizing the same by such election, to legalize, regulate, and control the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking, and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation, or otherwise; to create a department of Alcoholic Beverage Control and an Alabama Alcoholic Beverage Control Board and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, costs, and expenses of such Board and its members, officers, agents, and employees; to provide for the manufacture, sale, and distribution of such alcoholic beverages by said Board; to provide for the sale and purchase at retail at state stores in such counties of alcoholic beverages of a higher alcoholic content than beer; to provide for the sale in such counties of beer at retail by such persons as shall be so authorized by the said Board; to authorize said Board to issue rules and regulations governing the manufacture, sale, and possession of such beverages in said counties; to make it a misdemeanor for any person to purchase any such beverages from any person or persons except those authorized by this act and by the Board under the provisions of this act; to make it a misdemeanor for any person to drink intoxicating liquors other than beer in a public place; to appropriate money for the administration of the act and to provide for the disposition of the net profits collected under the act; to provide for the confiscation and disposition of articles declared contraband hereunder; to impose penalties for violations of the act; to repeal all acts and parts of acts in conflict herewith, and to provide that this act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act."

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Hendley:

H. 515. To provide that any and all salaries, fees, commissions, compensation, funds or money heretofore received, or hereafter received, now, or hereafter in the hands or possession of any executive, Legislative or Judicial Officer or any public officer, or of any officer holding any civil office of profit under this State or in any county or municipality thereof, whether elected or appointed, or his successor in office, or their successors in office, or his respective representative or agent, personal representative or successor in interest, affected by or within the operation of the Amendment to the Constitution of Alabama, and known as Article 24 of the Constitution of Alabama, and duly ratified the 18th day of July, 1933, and proclaimed ratified on August 2, 1933, by the Governor, after deducting the reasonable expenses of conducting the office of such officer or person be paid to the County and to the credit of the General Funds of the County in which such officer or person is now or has been performing or discharging his official duties, or be paid into the General Funds of the State of Alabama in case such officer or person is now or has been performing or discharging his official duties for the State of Alabama and for no particular county; to make a full detailed accounting of such reasonable expenses of conducting such office; to provide for a penalty for failure to make such payments and such accountings of the reasonable expenses of conducting such office, and to make the sureties on the official bonds liable for said funds and for all of the penalties, and to provide for the procedure of collecting such funds from such officers; and to declare any officer who neglects or fails to pay such sums of money due to the State or to his county within the time provided in this Act, and who neglects or fails to make the full and detailed accounting of such reasonable expenses of conducting his said office, to be guilty of a misdemeanor, and to provide for the punishment thereof.

Also:

By Mr. Robertson (Cullman):

H. 827. For the further promotion of the vocational rehabilitation, physical restoration, care and treatment of crippled individuals, and for the promotion of the vocational rehabilitation of persons physically disabled in industry or otherwise and for their return to civil employment, and to provide for its administration.

Also:

By Mr. Robertson (Cullman):

H. 829. For providing medical, surgical, corrective and other services, care and treatment, and facilities for diagnosis, hospitalization and after-care for children who are crippled or who are suffering from conditions which lead to crippling, and to provide for its administration.

Also:

By Mr. Staples :

H. 651. To authorize any bank, trust company, bank and trust company, banking association, stock savings bank or mutual savings bank now or hereafter organized under the laws of this State or the conservator, receiver or liquidator thereof, to enter into such contracts, incur such obligations and generally to do such acts as may be appropriate or necessary to take advantage of any and all memberships, loans, subscriptions, contracts, grants, rights or privileges which may, at any time, be available or enure to said banking institutions or their depositors or stockholders, or their conservators, liquidators, or receivers, by virtue of any Act or Resolution of the Congress of the United States to aid, regulate or safeguard banking institutions and depositors, including the Act creating the Federal Deposit Insurance Corporation; to empower any such banking institution to subscribe to and acquire any stock or debentures or bonds or other types of securities of said Corporation and to comply with its regulations and requirements; to authorize the appointment of the Federal Deposit Insurance Corporation as receiver or liquidator of any such insured closed banking institution, and to authorize said Corporation to do any and all things appropriate in the sale or acquirement of the assets of such institutions and in the liquidation of same; to make loans to same and to its receivers and liquidators and the State Superintendent of Banks therefor; to provide for the subrogation of said Corporation to the rights against said closed institutions, of all insured depositors, whose deposits have been paid, or for the payment of which funds have been made available; to recognize the right of said Corporation to make examinations of and to require reports from such institution, and the State Superintendent of Banks to accept same in lieu of any examination or report authorized to be made to said official; to provide for disclosure by said State Superintendent of Banks to said Corporation and to the Federal Reserve Board and the Reconstruction Finance Corporation, or either or any of them, of the condition and affairs of such insured institution and access to information regarding same; to provide for the vesting of title in said Corporation of assets of such closed institutions.

To exempt banking institutions from furnishing security for any deposits to the extent such deposits are insured under Section 12B of the Federal Reserve Act, as amended."

Also:

By Mr. Taylor:

H. 913. To create and provide for and regulate a Department of Labor in the State of Alabama; to prescribe its authority and jurisdiction and provide for a Commissioner of Labor and fix his salary and define his duties.

Also:

By Mr. Taylor:

H. 896. To adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such act and to make an appropriation therefor.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 515, to the Committee on Judiciary.

House Bills 827 and 829, to the Committee on Education.

H. 651, to the Committee on Banking.

H. 913, to the Committee on Immigration and Industrial Resources.

H. 896, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has adopted the following Senate Joint Resolution:

By Rules Committee:

S. J. R. 105. Relative to the Two Houses adjourning today to meet again on Friday, August 23, 1935 at 10:00 A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

Mr. Fletcher moved that the Senate concur in the following amendment by the House to S. J. R. 105, the title of which is set out in the foregoing Message from the House, to-wit:

Amend S. J. R. 105 by striking out the words "Friday, August 23rd, 1935" and insert in lieu thereof the words "Monday, August 26th, 1935."

Mr. Woodall moved to table the motion of Mr. Fletcher and the motion to table was lost.

Yeas, 8; Nays, 22.

Yeas:

Messrs.:

Browder
Chesnut

Kelly
Stephens

Swift
Thomas

Walton
Woodall

—8

*Nays:**Messrs.:*

Bonner	Kuykendall	Riddle	Taylor
Carlton	Locke	Russell	Tucker
Dorsey	Mixon	St. John	Walden
Fletcher	Mooneyham	Simpson	Weaver
Frazer	McDowell	Starnes	Wellborn
Glover	Parrish		

—22

The question then re-curred on the motion of Mr. Fletcher to concur in said amendment, which motion prevailed and the Senate concurred in such amendment.

Yeas, 22; Nays, 8.

*Yeas:**Messrs.:*

Bonner	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Fletcher	Mooneyham	Simpson	Walton
Frazer	McDowell	Starnes	Weaver
Glover	Parrish	Taylor	Wellborn
Kuykendall	Riddle		

—22

*Nays:**Messrs.:*

Browder	Dorsey	Stephens	Thomas
Chesnut	Kelly	Swift	Woodall

—8

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House bill:

Mr. Wallace:

H. 545. To provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed.

And requests Committee of Conference. The Speaker of the House has appointed as Conferees on the part of the House Messrs. Wallace, Harrison, and Coleman.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mooneyham the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 545, the title of which is set out in the foregoing Message from the House, and the Presiding Officer of the Senate appointed as conferees on part of the Senate Messrs. Mooneyham and Locke.

SPECIAL ORDERS

The next Special order to-wit:

H. 852. To authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State.

Wsa read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Mixon	St. John	Walton
Chesnut	McDowell	Simpson	Weaver
Dorsey	Parrish	Stephens	Wellborn
Fletcher	Riddle	Taylor	Woodall
Glover			

—25

Nays:—None.

The bill:

H. 745. To authorize and provide for the sterilization of particular types of mentally diseased, insane, epileptic, mentally deficient, criminal and delinquent persons in the State of Alabama; to establish a Medical Board of Sterilization and to prescribe its operation, authority and powers; to provide and define method of obtaining the authority to sterilize in each case and by whom such authority is to be granted; to define and name the method of sterilization; to provide for appeals from the decision of the Medical Board of Sterilization; to designate and prescribe by whom costs and expenses of such proceedings and sterilization operations are to be borne; and to protect against civil or criminal prosecution persons legally participating in the execution of the provisions of this Act.

Was read a third time at length and passed:

Yeas, 21; Nays, 8.

Yeas:

Messrs.:

Bonner	Kuykendall	Simpson	Tucker
Browder	Mooneyham	Starnes	Walden
Carlton	Parrish	Swift	Walton
Chesnut	Russell	Taylor	Weaver
Fletcher	St. John	Thomas	Wellborn
Kelly			

—21

Nays:

Messrs.:

Dorsey	Glover	Mixon	Rogers (Mobile)
Frazer	Locke	Riddle	Woodall

—8

PAIR ANNOUNCED

Mr. McDowell announced that he and Mr. Goldsmith were paired on this vote; that Mr. Goldsmith, if present, would vote "aye" and he, Mr. McDowell, would vote "no."

The bill:

S. 392. To repeal an act entitled, "An Act to define sedition and prescribe the punishment therefor," which became a law under the Constitution of Alabama on July 31, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 10.

Yeas:

Messrs.:

Browder	Locke	Riddle	Thomas
Chesnut	Mixon	St. John	Tucker
Fletcher	Mooneyham	Simpson	Weaver
Glover	McDowell	Swift	Wellborn
Kuykendall	Parrish	Taylor	Woodall

—20

Nays:

Messrs.:

Bonner	Frazer	Russell	Walden
Carlton	Kelly	Starnes	Walton
Dorsey	Rogers (Mobile)		

—10

The bill:

S. 388. To extend the time in which tax collectors of the several counties of Alabama may file their official bonds with the Comptroller, so that they may be filed on or before the 15th day of September next after their election; and to repeal all laws in conflict herewith.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Tucker
Browder	Kuykendall	Simpson	Walden
Carlton	Mixon	Starnes	Walton
Chesnut	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall
Glover	Russell	Thomas	

—27

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Sanderson:

H. J. R. 319. Resolved by the House, the Senate concurring That the Conference Report on H. B. 811 be returned to the House of Representatives, and that the Senate be requested to return same to the House and that a New Conference Committee be appointed.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mooneyham, H. J. R. 319, set out in the foregoing Message from the House was concurred in and adopted, and the Secretary instructed to return to the House said Conference Report.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Fletcher, the Senate indefinitely postponed further consideration of the bill:

S. 88. To amend Sections 6363 and 6364 of the Code of Alabama of 1923, relating to unclaimed dividends in Liquidated State Banks, and also to provide for the disposition of such funds now in the Treasury.

On motion of Mr. Rogers of Mobile, the Senate indefinitely postponed further consideration of the bill:

S. 176. To repeal Section 4768 of the Code of Alabama of 1923.

BILLS ON THE THIRD READING

The bill:

S. 363. To amend sections 338 and 344 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Riddle	Swift	Weaver
Frazer	Rogers (Mobile)	Taylor	Wellborn
Glover	Russell	Thomas	Woodall

—25

Nay: Mr. Browder.

—1

The bill:

S. 154. To make it unlawful for a person to hold or attempt to hold two or more offices of profit under this State at the same time in all cases where forbidden by the Constitution and by law, and to provide punishment for the violation of this Act.

Was read a third time at length and lost.

Yeas, 10; Nays, 15.

Yeas:

Messrs.:

Bonner	Dorsey	Swift	Walden
Browder	Russell	Taylor	Wellborn
Carlton	Simpson		

—10

Nays:

Messrs.:

Chesnut	Mixon	Starnes	Walton
Glover	Parrish	Stephens	Weaver
Kelly	Riddle	Thomas	Woodall
Kuykendall	St. John	Tucker	

—15

The bill:

S. 355. To provide for the creation of a commission on uniform State Laws, for the appointment of commissioners thereto, and for a contribution to the support of the National Conference of Commissioners on uniform state laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 1.

Yeas:

Messrs.:

Bonner	Glover	Russell	Taylor
Browder	Kelly	St. John	Thomas
Carlton	Kuykendall	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Fletcher	Rogers (Mobile)	Swift	Woodall

—24

Nay: Mr. Wellborn.

—1

The bill:

H. 274. To permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city or town of the State of Alabama; prescribing regulations with reference to the adoption, requirements, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon County Commissioners, Board of Revenue, Election Commission, and other governing boards of the counties, cities and towns; providing for redivision of wards of cities and towns into election districts and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties, cities and towns in which they are used; and providing penalties for violation of the provisions of this act.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Thomas
Browder	Kelly	St. John	Tucker
Carlton	Kuykendall	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	Parrish	Taylor	Woodall

—24

Nays:—None.

The bill:

S. 262. To amend Section 8179 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Simpson	Tucker
Browder	Mixon	Starnes	Walden
Chesnut	Mooneyham	Stephens	Walton
Fletcher	Parrish	Taylor	Weaver
Glover	Russell	Thomas	Woodall
Kelly	St. John		

—22

Nays:—None.

The bill:

S. 264. To provide for reducing the amount of the bond of an executor, administrator or guardian pending final settlement of the administration of such estate.

To provide that upon the filing of any partial settlement by the executor under a will or the administrator of the estate of a deceased person or the guardian of a minor or person of unsound mind, in the court in which such estate is pending, such executor administrator or guardian may pray for a reduction in the amount of his or her bond as such fiduciary, and thereupon the court must set a day for the hearing of such partial settlement, and must cause notices to issue to all parties in interest as is now provided by law for final settlement of such estate, and on the day set for hearing such partial settlement any item of account included in any previous settlement may be reexamined; but its allowance in the previous settlement is presumptive evidence of its correctness, and the court must proceed to examine and audit the account as provided for final settlements of such estates. On auditing the account the court must state the same and render a decree passing it as stated, and must fix the amount to which the bond shall be reduced which shall be determined as now provided by law for such bonds, and the same must be recorded, and such decree shall be final as between all the parties as to all matters and things included in such settlements, and an appeal may be taken from such decree to the Supreme Court within 30 days from the rendition thereof to the Supreme Court as now provided by law. All laws in conflict herewith are hereby expressly repealed.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Simpson	Tucker
Carlton	Kuykendall	Stephens	Walden
Dorsey	Mixon	Taylor	Weaver
Fletcher	Mooneyham	Thomas	Woodall
Glover	Russell		

—18

Nays:—None.

The bill:

S. 265. To provide that each personal surety on any bond required by law to be approved by any Judge of Probate of the State of Alabama, shall file with such officer, before his approval of the bond, a statement signed by such surety and sworn to by him before some officer authorized to administer oaths, stating that said surety is a resident of the State of Alabama and that the aggregate value of his property, real and personal, situated in the State of

Alabama, not exempt from debts and other liabilities, and in excess of his debts and liabilities, is equal to or more than the penalty of the bond; and to provide that any such surety who swears to or affirms such statement falsely, shall be guilty of perjury and shall be punished as provided by the laws of the State of Alabama for such offense; and to provide that no such officer shall approve any bond without such statement being filed with the bond; and to provide that such statement shall be recorded with such bond if the bond is required by law to be recorded, and when so recorded said record or a certified copy thereof shall have the same force and effect in any court of this State as the original statement; and to provide that a fee of twenty-five cents shall be paid by the principal on said bond to such officer for filing and/or recording such statement of each surety; and to provide for the repeal of all laws in conflict herewith.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 17; Nays, 3.

Yeas:

Messrs.:

Browder	Kelly	Simpson	Tucker
Carlton	Kuykendall	Stephens	Walden
Dorsey	Mixon	Swift	Weaver
Fletcher	Russell	Thomas	Woodall
Glover			

—17

Nay: Messrs.: Mooneyham, Taylor and Walton.

—3

The bill:

S. 269. To provide for changing the name of an adult or minor by filing petition therefor in the Probate Court of the County in which such person resides.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Simpson	Tucker
Carlton	Kuykendall	Stephens	Walden
Dorsey	Mixon	Swift	Weaver
Fletcher	Mooneyham	Taylor	Woodall
Glover	Russell	Thomas	

—19

Nays:—None.

The bill:

S. 271. To amend Section 7948 of the Code of Alabama of 1923 so as to read as follows:

When all the property, real and personal, owned by a decedent at the time of his death does not exceed in amount and value the

exemption allowed in favor of his widow, and minor child or children, or either regardless of whether it consists of one or more parcels of real estate and whether or not there is a homestead, and no administration is granted on his estate within 30 days after his death, the probate court of the county in which he resided at the time of his death, upon the application of the widow, or if there be no widow, or she does not act, upon the application of a suitable person who shall be appointed by the Judge of Probate as the next friend of such minor child or children, verified by oath and setting forth such facts, as well as the names, condition, and residence, if known, of the heirs of the decedent, other than the minor children of the decedent, must appoint two commissioners who shall make a full and complete inventory and appraisal of the real and personal property of such decedent, describing the property and stating the value of each item or parcel thereof; and in estimating the value of such property, or any part thereof, if the same be held in pledge or under mortgage or other lien or incumbrance created prior to the death of the decedent, such encumbered property must be valued at only the excess of its value over and above the sum of such liens or other incumbrances.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:

Browder

Kelly

Simpson

Tucker

Carlton

Kuykendall

Stephens

Walden

Dorsey

Mixon

Swift

Weaver

Fletcher

Mooneyham

Taylor

Woodall

Glover

Russell

Thomas

—19

Nays:—None.

The bill:

S. 274. To amend Section 5744 of the Code of Alabama of 1923.

To provide that Section 5744 of the Code of Alabama be amended so as to read as follows:

If no person entitled to the administration of the Estate, according to the first three subdivisions of the second preceding section, applies for letters within 30 days after the death of the intestate is known, the persons so entitled must be held to have relinquished their right to the administration.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Swift	Walden
Carlton	Kuykendall	Taylor	Walton
Dorsey	Mixon	Thomas	Weaver
Fletcher	Russell	Tucker	Woodall
Glover	Stephens		

—18

Nays:—None.

The bill:

S. 276. To amend Section 8108 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Stephens	Walden
Carlton	Kuykendall	Swift	Walton
Dorsey	Mixon	Taylor	Weaver
Fletcher	Russell	Thomas	Woodall
Glover	Simpson	Tucker	

—19

Nays:—None.

The bill:

S. 277. To amend Section 8106 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Stephens	Walden
Carlton	Kuykendall	Swift	Walton
Dorsey	Mixon	Taylor	Weaver
Fletcher	Russell	Thomas	Woodall
Glover	Simpson	Tucker	

—19

Nays:—None.

The bill:

S. 284. To provide that the successor of an executor or administrator may maintain an action and recover for the benefit of the estate or for the person entitled thereto, on his predecessor's official bond to the full extent of the injury sustained.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Stephens	Walden
Carlton	Kuykendall	Swift	Walton
Dorsey	Mixon	Taylor	Weaver
Fletcher	Russell	Thomas	Woodall
Glover	Simpson	Tucker	

—19

Nays:—None.

The bill:

S. 286. To amend Section 5806, Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Simpson	Walden
Carlton	Kuykendall	Stephens	Walton
Dorsey	Mixon	Swift	Weaver
Fletcher	Russell	Tucker	Woodall
Glover			

—18

Nays:—None.

The bill:

S. 287. To amend Section 10598, Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Stephens	Walden
Carlton	Kuykendall	Swift	Walton
Dorsey	Mixon	Thomas	Weaver
Fletcher	Russell	Tucker	Woodall
Glover	Simpson		

—18

Nays:—None.

The bill:

S. 293. To amend Section 5778, Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Stephens	Walden
Carlton	Kuykendall	Swift	Walton
Dorsey	Mixon	Thomas	Weaver
Fletcher	Russell	Tucker	Woodall
Glover	Simpson		

—18

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Coleman:

H. 860. To amend Sections 2874, 2875, 2880, 2885, 2886, 2888, 2889, 4387, 4389 and 4390 Code of Alabama 1923, relative to the practice of optometry.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time and referred to appropriate Standing Committee as follows:

H. 860, to the Committee on Revision of Laws.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the Forty-second Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the forty-second Legislative day approved by the Senate.

ADJOURNMENT

At 5:40 P. M., on motion of Mr. Woodall and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Monday, August 26th, 1935, at ten A. M.

FORTY-THIRD DAY

Monday, August 26th, 1935.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Rev. J. T. Lane, of Birmingham.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Stephens	Weaver
Dorsey	McDowell	Swift	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover	Riddle		

—30

JOURNAL

On motion of Mr. Walton the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Walton:

S. 421. To amend Section 9017 of the Code of Alabama of 1923.

Committee on Revision of Laws.

By Mr. Walton:

S. 422. To amend Section 1 of an Act entitled, "An Act to amend Sections 989, 992, 995, 1005, and 1007 of the Code of Alabama of 1923", approved February 5, 1935.

Committee on Finance and Taxation.

By Mr. Russell:

S. 423. To provide for additional duties and additional compensation to members of the Courts of County Revenues, Commissioners Courts and Boards of Revenue in all counties in the State of Alabama where the taxable property in the county is now or hereafter may be assessed for at least \$16,000,000.00 except as provided by local legislation.

Committee on Local Legislation.

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Locke:

- S. 413. To impose all the duties of the State Securities Commission of Alabama under existing law and all the duties of the Superintendent of Banks of this State, as such State Securities Commission, upon the Attorney General of Alabama; and to invest in the Attorney General of Alabama all the authority, rights, privileges and immunities of said State Securities Commission, and of the Superintendent of Banks of this State, as such State Securities Commission; and to provide that on and after the effective date of this Act the State Securities Commission shall be composed of the Attorney General of Alabama; and to provide that the State Securities Commission shall have its office in the office of the Attorney General of this State.

Mr. McDowell, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Davis:

- H. 408. To propose an amendment to Section 229 of the Constitution of Alabama to be known and designated as Article..... thereof, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

The above bill was read a second time at length as required by the Constitution.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Tucker (with notice and proof):

- S. 396. To authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy a privilege tax on all persons selling, or keeping in storage for sale, gasoline, Woco-Pep, or any other motor fuel used by self propelled vehicles, not to exceed one cent per gallon; to authorize such Board of Revenue of said County to provide the necessary rules; regulations and machinery for the col-

lection of said privilege tax; to make provision for the distribution of said privilege tax; to prohibit any incorporated city or town in said County from levying a municipal privilege tax on gasoline, Woco-Pep, or any substitute therefor; to repeal the municipal privilege taxes on said gasoline, Woco-Pep, or any substitute therefor, which may now be levied by any incorporated city or town in said County; to provide for the use of said privilege tax, and to provide penalties for the violation of such rules and regulations, to repeal all laws in conflict with this Act and to provide when this Act shall take effect.

By Mr. Tucker:

S. 384. To amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 2377 of the Code of Alabama of 1923, 'approved July 22, 1931,' approved March 15, 1933.

By Mr. Street (with notice and proof):

H. 866. To relieve all persons of any legal obligations to work on public roads in Tallapoosa County, Alabama, or pay any money in lieu of such legal obligations, to work on the public roads in Tallapoosa County, Alabama.

By Mr. Dominick (with notice and proof):

H. 807. For the relief of J. F. King, the former Sheriff of Tuscaloosa County, Alabama, authorizing and directing payment or refund by the Board of Revenue of Tuscaloosa County, Alabama, out of the general fund of Tuscaloosa County, Alabama, to said J. F. King of the sum of Three Hundred Sixteen and 50/100 (\$316.50) Dollars, which was paid to him as such Sheriff for furnishing a bailiff for the Inferior Court of Tuscaloosa County, for the services of such bailiff, under the Act approved August 3, 1927, and entitled "An Act to establish a court of record in Tuscaloosa County, Alabama, to be known as the Inferior Court of Tuscaloosa County, Alabama," and which amount of \$316.50 the said J. F. King, while Sheriff of Tuscaloosa County, Alabama, was compelled to repay to Tuscaloosa County, and to provide for the repeal of all laws and parts of laws in conflict with the provisions of this Act.

By Mr. Staples (with notice and proof):

H. 900. To alter or rearrange the boundary line on the city of Mobile, Alabama, so as to exclude from the City of Mobile certain territory described herein and now included within the corporate limits of said City of Mobile.

By Mr. Taylor (with notice and proof):

H. 901. To alter or rearrange the boundary line of the City of Mobile, Alabama, so as to exclude from the City of Mobile certain territory described herein and now included within the corporate limits of said City of Mobile.

By Mr. Wallace (by request):

H. 547. To provide funds for the maintenance and operation of public libraries situated in counties of the State of Alabama having not less than 100,000 nor more than 200,000 population.

By Mr. Heflin (with notice and proof):

H. 944. To relieve all persons in Randolph County, Alabama of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such obligation to work on the public roads in said Randolph County, Alabama.

By Mr. Shipman (with notice and proof):

H. 949. To relieve all persons of any legal obligations to work public roads or streets in Pike County, Alabama.

By Mr. Miles (with notice and proof):

H. 943. To allow the Sheriff of Blount County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Blount County in Monthly installments.

By Mr. Coleman (with notice and proof):

H. 940. To provide for the payment to the Clerk and/or Sheriff of Marshall County of all costs and/or fees accruing after the passage of this Act which would otherwise be payable out of the fine and forfeiture fund of Marshall County to be paid quarterly out of the general fund of said County instead of out of the fine and forfeiture fund of said County; to provide or the method, manner and time of the payment of the same and make the same a preferred claim against the general fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the fine and forfeiture fund of Marshall County.

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walton:

S. 415. To authorize each of the County Boards of Education in the State to make an allowance to the County Superintendent of Education for traveling, and to declare legal such expenditures heretofore made.

By Mr. Robertson (Cullman):

H. 827. For the further promotion of the vocational rehabilitation, physical restoration, care and treatment of crippled individuals, and for the promotion of the vocational rehabilitation of persons physically disabled in industry or otherwise and for their return to civil employment, and to provide for its administration.

By Mr. Robertson (Cullman):

H. 829. For providing medical, surgical, corrective and other services, care and treatment, and facilities for diagnosis, hospitalization and aftercare for children who are crippled or who are suffering from conditions which lead to crippling, and to provide for its administration.

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mooneyham:

S. 420. To require the tax assessors and tax collectors of the several counties in this State, having a population of not less than 75,000 nor more than 110,000 people, according to the last or any succeeding Federal Census, in addition to assessing and collecting the ad valorem taxes due the State and said counties on motor vehicles, to collect the ad valorem taxes on motor vehicles due all cities and municipalities in such counties; to provide for reports and payments of collections by tax collectors; and to fix compensation of said assessors and collectors for the performance of their duties under this Act, which shall be in addition to compensation now received by them for assessing and collecting taxes for the State and such counties; and to repeal all laws or parts of laws, general or local in conflict with this Act.

By Mr. Riddle:

S. 374. Authorizing the state and counties, cities, incorporated towns, municipal corporations, authorities, commissions, boards, districts, sub-divisions, agencies, and instrumentalities and departments, boards and agencies of the state to acquire property by the exercise of the power of eminent domain for public works projects financed in whole or in part by such public bodies or by the United States of America; authorizing the exercise of such power of eminent domain and the conveyance of property acquired thereby for the purpose of aiding public works projects being undertaken by the United States of America; providing for the exercise of such power of eminent domain and for the taking of property for all such purposes and for the procedure thereof; providing for the payment and recovery of awards made for property taken, injured or destroyed; and for other purposes.

Mr. Walton, Chairman of the Standing Committee on Military, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mooneyham:

S. 348. To exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama, and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed.

Mr. Dorsey, Chairman of the Standing Committee on Fish and Game, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carlton:

S. 80. To amend Section 4188 of the Code of Alabama of 1923, as amended by an act entitled "An act to amend Section 4188 of Code of Alabama 1923 providing open season on Game Birds and providing penalties for violation of same" approved March 9, 1931.

By Mr. McPhaul:

H. 373. To Revise and Amend "An Act to Revise and Amend Chapter 224 of the same Code of 1907", approved September 29, 1923.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 230. Authorizing the Treasurer of the Talladega County Board of Education to pay the sum of \$774.95 to the Talladega National Bank for money heretofore advanced by said bank for the building of a school-house in said county; said funds to be paid out of any funds in the hands of said Treasurer, not otherwise appropriated, upon the order of said Board.

Also:

S. 351. To establish a budget system and provide for the preparation of a budget for each county and city school system in the state; to provide that the budgeted current expenditures shall not exceed the budgeted income of each such board of education; to provide that the actual payments shall not exceed the budgeted payments except on approval of the county or city board of education and of the State Superintendent of Education; to provide that the actual payments shall not exceed the actual income plus balances except in the issuance of warrants for capital outlay purposes; to authorize county and city boards of education to borrow funds against the current year's revenues when necessary to pay their current expenses; to regulate and restrict borrowing for capital outlay purposes, and to authorize and regulate the issuance of warrants or notes to pay debts incurred prior to July 1, 1935.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 97. To vest authority and power in the State Highway Commission to abandon and discontinue and to close grade crossings of State highways where such highways cross railroads or street railways within the State of Alabama.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after it's title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Staples:

H. 330. To designate the time, each year, when the Board of Registrars shall sit for the purpose of registering voters, purging the registration list, and hearing objections to names being stricken from the registration list, in all counties in this state which may now or hereafter have a population of not less than 100,000 nor more than 300,000 according to the last or any succeeding Federal census; to provide that said sessions shall be in lieu of all other sessions now authorized by law; to provide that the partial invalidity of this act shall not affect the remainder hereof; to repeal all laws or parts of laws in conflict herewith; and to provide when this act shall become effective.

Also:

By Mr. Kirby:

H. 805. To Amend Section 462 of The Code of Alabama of 1923 as amended by an Act of the Legislature of 1935, and approved by the Governor July 8, 1935.

Also:

By Mr. Hare:

H. 856. To relieve Tax Assessors in all Counties in Alabama which now have, or which may hereafter have a population of not less than fifty-four thousand and not more than sixty four thousand two hundred according to the last Federal Census, or any such census which may be taken hereafter, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as a permanent record and prepare Tax Collectors Abstracts from said assessment lists.

Also:

By Mr. Owen (Etowah):

H. 868. To provide that all cities in this State having a population of not less than 24,000 and not more than 40,000 according to the last or any future Federal census may levy a license tax of not exceeding TWO CENTS per gallon on all gasoline or other motor fuel sold in such city.

Also:

By Mr. Carter:

H. 937. To amend Schedule 155.4 of Section 348 of Article 13 Chapter 3 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10th, 1935.

Also:

By Mr. Lusk:

H. 833. To permit the governing body of any municipality in this State having a population of not less than 24,000 nor over 60,000, according to the last or any succeeding Federal census, to levy a license tax three-fourths of a cent per gallon on all gasoline or other motor fuel sold in such municipality and pledge the same to secure bonds or other obligations hereafter issued for building and equipping school buildings therein.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 330, 856, 868 and 833, to the Committee on Local Legislation.

H. 805, to the Committee on Privileges and Elections.

H. 937, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Wallace:

H. 369. Relating to, regulating and requiring a pre-qualification and classification of bidders on public improvements.

Also:

By Mr. Chichester:

H. 625. To make an appropriation for the support, maintenance and improvement of the Alabama Vocational Schools for Girls.

Also:

By Mr. Connor:

H. 782. To require officers and employees of counties, cities and towns in Alabama to present itemized statements of expenses incurred while traveling and/or remaining beyond the limits of counties and municipalities while engaged in business incidental to the management or control of the affairs of the counties and municipalities and to prohibit the allowance and payment of such expenses unless itemized and approved; and to provide penalties for the violation of this Act.

Also:

By Mr. Matthews:

H. 268. To authorize and provide for the payment of the sum of Two Hundred Ten Dollars (\$210.00) for the relief of Mrs. Mary McG. Kelly of Wilcox County, Alabama who was entitled to an increase in pension for the April 1st 1933 quarter, had she filed her reclassification pension application when she reached the age of Eighty years.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that, a bill for the relief of Mrs. Mary McG. Kelly, of Pine Hill, Wilcox County, Alabama, is to be presented to the Legislature of the State of Alabama, at its regular 1935 session, notice of which is hereby published in the Wilcox Progressive Era, a newspaper published in Camden, Wilcox County, Alabama, for four consecutive weeks, beginning March 28th, 1935 and continuing through April 18th, 1935, in words and figures as follows:

AN ACT

To authorize and provide for the payment of the sum of Two Hundred Ten Dollars (\$210.00) for the relief of Mrs. Mary McG. Kelly of Wilcox County, Alabama who was entitled to an increase in pension for the April 1st, 1933 quarter, had she filed re-classification pension application when she reached the age of Eighty years.

Whereas Mrs. Mary McG. Kelly the widow of a confederate veteran would be entitled to the difference in first and second class pension for the quarters beginning April 1st, 1933 and ending December 31st, 1934, at Thirty Dollars (\$30.00) per quarter amounting to a total of Two Hundred Ten Dollars (\$210.00); and whereas the said Mrs. Mary McG. Kelly, failed to receive the difference of Two Hundred Ten Dollars (\$210.00) only because of her failure to file her reclassification application when she reached the age of Eighty years.

Be it enacted by the Legislature of Alabama:

Section 1. That the State Comptroller be and is hereby authorized and directed to issue his warrant on the State Treasurer in favor of the said Mrs. Mary McG. Kelly, for the sum of Two Hundred Ten Dollars (\$210.00), which shall be paid by the said Treasurer out of any funds in the State Treasury to the credit of Confederate Veterans Pensions.

PROOF OF PUBLICATION

THE STATE OF ALABAMA,
WILCOX COUNTY.

Personally came before me, a Notary Public in said county and State C. M. Watts who being by me first duly sworn, states on oath that he is publisher of Wilcox Progressive Era, a newspaper published in Camden, in said County and State, and that the publication of the notice, a copy of which is hereto attached, has been in said paper 4 times as follows: Beginning in Vol. 57 No 13 on the 28th day of March, 1935. Ending in Vol. 57 No. 16 on the 18th day of April, 1935.

Sworn to and subscribed before me, this the 29th day of April 1935.
C. M. Watts
Gussie Jones,
Notary Public.

(Seal)

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 369, to the Committee on Public Roads and Highways.
House Bills 625, and 268, to the Committee on Finance and Taxation.

H. 782, to the Committee on Municipalities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following amendments to the Constitution of Alabama

By Mr. Douglass:

H. 160. A Bill to be entitled An Act "To Propose an Amendment to the Constitution of Alabama Authorizing each of the Three School Districts in Jefferson County known, respectively,

as Shades Cahaba District No. 1, Jefferson District No. 2, and the School District composed of the City of Tarrant City, to Levy and Collect for Public Purposes a Special District Tax not Exceeding Thirty Cents annually on each One Hundred Dollars' worth of Taxable Property in such Districts, respectively, in addition to all other Taxes now authorized by Law, when authorized by a Majority of the Qualified Electors of such School District voting at an election called for that Purpose; to Order an Election by the qualified Electors of the State upon such Proposed Amendment; and to Provide for the holding of Elections to Authorize the Levy and Collection of such Taxes, and to Provide for the Levy and Collection of such Taxes.

Be it enacted by the Legislature of Alabama:

Section 1. That the following Amendment to the Constitution of Alabama is hereby proposed and an election by the qualified electors of the State upon said proposed Amendment is hereby ordered to be held on the 12th day of November, 1935, which proposed Amendment is as follows:

"(1) The School District in Jefferson County Known as Shades Cahaba District No. 1, the School District in Jefferson County known as Jefferson District No. 2, and the School District in Jefferson County composed of the City of Tarrant City, shall each have the right and power to levy and collect for Public School purposes a Special District Tax not exceeding Thirty Cents annually on each One Hundred Dollars' worth of taxable property in such District; provided that the question of whether or not such Tax shall be levied, the rate of such Tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the District proposing to levy the same and voted for by a majority of those voting at such election. (2) The funds arising from such Special District Tax levied in any of said three Districts which votes the same shall be used only for Public School purposes and shall be expended for the exclusive benefit of the Schools of the District in which levied. (3) Each election held under the provisions hereof shall be proposed, called, held, and the vote canvassed and the results declared, and the tax levied and collected, in the same manner as may now or hereafter be provided by law for proposing, calling and holding an election to authorize the levy and collection of the Special School District taxes authorized by Section 2 of the Third Amendment to the Constitution of Alabama, canvassing the vote at such election, declaring the result thereof, and levying and collecting such tax. (4) The tax hereby authorized shall be in addition to any and all other taxes now authorized by law, and its collection shall in no manner affect the right of the Districts in which it shall be levied to share in the school monies heretofore available for such Districts,

nor shall any reduction in such shares be made by reason of the tax hereby authorized. (5) This Amendment shall be self-operative without any additional legislation."

Section 2. That it shall be the duty of the Governor to give notice of the election hereby ordered to be held upon said proposed Amendment, together with the proposed Amendment, by proclamation which shall be published in one newspaper in each County in the State for at least eight successive weeks next preceding the day appointed for such election.

Section 3. That at the election hereby ordered to be held by the qualified electors of the State upon said proposed Amendment, the qualified electors of the State shall vote on said proposed amendment and on the official ballots printed for such election, there shall be printed the following, viz:

"Shall the following be adopted as an Amendment to the Constitution of Alabama?"

"(1) The School District in Jefferson County known as Shades Cahaba Distrfict No. 1, the School District in Jefferson County known as Jefferson District No. 2, and the School District in Jefferson County composed of the City of Tarrant City, shall each have the right and power to levy and collect for Public School purposes a Special District Tax not exceeding Thirty Cents annually on each One Hundred Dollars' worth of taxable property in such District; provided that the question of whether or not such Tax shall be levied, the rate of such Tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the District proposing to levy the same and voted for by a majority of those voting at such elections. (2) The funds arising from such Special District Tax levied in any of said three Districts which votes the same shall be used only for Public School purposes and shall be expended for the exclusive benefit of the Schools of the District in which levied. (3) Each election held under the provisions hereof shall be proposed, called, held, and the vote canvassed and the results declared, and the tax levied and collected, in the same manner as may now or hereafter be provided by law for proposing, calling and holding an election to authorize the levy and collection of the Special School District taxes authorized by Section 2 of the Third Amendment to the Constitution of Alabama, canvassing the vote at such election, declaring the result thereof, and levying and collecting such tax. (4) The tax hereby authorized shall be in addition to any and all other taxes now authorized by law, and its collection shall in no manner affect the right of the Districts in which it shall be levied to share in the school monies heretofore available for such Districts, nor shall any reduction in such shares be made by reason

of the tax hereby authorized. (5) This Amendment shall be self-operative without any additional legislation."

"----- Yes -----

No -----

The choice of the elector shall be indicated by an "X" mark made by him or under his direction opposite the word expressing his desire.

Section 4. The officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the election laws of the State for the appointment of officers to hold general elections in the State, and the election shall be held in all things in accordance with this Act, the law governing general elections and the constitutional provisions concerning Amendments, to the constitution.

Section 5. The votes cast at said election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed Amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the constitution of Alabama. The result of such election shall be made known by Proclamation of the Governor.

Section 6. The expenses of the election hereby ordered upon said proposed Amendment and the costs of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

Also:

By Mr. Staples:

H. 331. A Bill to be Entitled An Act "To submit to the qualified voters of this State, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, for their consideration an amendment to the Constitution of the State empowering the Legislature to authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county, existing at the time of the ratification of such amendment to the Constitution: providing for the adoption of an annual budget for Mobile County; providing that the expenses of such county for any fiscal

year shall not exceed the revenues of the county for that year, and providing that all debts contracted or liabilities incurred by the said county in excess of such revenues shall be void; providing that the governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such county for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the county for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the county subsequently collected for that year, and that any loan so made and not paid out of the general revenues of the county pledged to secure the same shall be void as to any amount remaining unpaid; providing that the Legislature shall not, after the adoption of such amendment, pass any law making any claim a preferred claim against said county, and annulling as to any future claim all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said county: and providing penalties for the violation of any of the provisions of such amendment."

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely: "The Legislature of Alabama may authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00 Which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing at the time of the ratification of this amendment to the Constitution. In September 1936, after the adoption of this amendment to the Constitution, the governing body and the County Treasurer of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of the county for the preceding year and said Budget must cover current expenses for the year for which the Budget is adopted, for the fiscal year beginning October 1st, 1936, and the expenses of such fiscal year shall not exceed the revenues of the county for that year. Thereafter, and in September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of said county for the preceding year, for the succeeding fiscal year beginning October 1st,

and the expenses of such county for any such fiscal year shall not exceed the Budget of the county for that year. All debts contracted or liabilities incurred by the said County in excess of such Budget shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five (25%) percent of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the County subsequently collected for that year, and any loan so made and not paid out of the general revenues of the County pledged to secure the same shall be void as to any amounts remaining unpaid. The legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said County, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County, are hereby annulled as to any future claim. The words 'governing body of Mobile County' as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the Board of Revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this amendment shall, upon conviction, be punished by a fine not exceeding \$5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each County in the State at least four successive weeks next preceding the date of the election hereinafter fixed, of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the official ballot printed for such election shall be printed the following, namely, "Shall the following be adopted as an Amendment to the Constitution of Alabama." "The Legislature of Alabama may authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations

of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligation of said County, existing at the time of the ratification of this amendment to the Constitution. In September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of the preceding year for the succeeding fiscal year beginning October 1st and the expenses of such County for any such fiscal year shall not exceed the revenues of the County for that year. All debts contracted or liabilities incurred by the said County in excess of such revenues shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the County subsequently collected for that year, and any loan so made and not paid out of the general revenues of the County pledges to secure the same shall be void as to any amount remaining unpaid. The Legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said County, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County, are hereby annulled as to any future claim. The words "governing body of Mobile County" as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the Board of Revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this amendment shall, upon conviction, be punished by a fine not exceeding \$5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment.' " Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the voter shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers for said election shall open the polls for a vote of the qualified electors of the State upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon

such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State, and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Also:

By Mr. Byars:

H. 499. A Bill to be Entitled An Act To submit to the qualified electors of Alabama an amendment to the Constitution of Alabama authorizing Lawrence County to increase its indebtedness in a sum not exceeding \$130,000 in addition to that now authorized, for the purpose of constructing and equipping a courthouse; authorizing the issuance and sale of bonds therefor; authorizing the levy and collection of taxes on all taxable property in Lawrence County at a rate not exceeding 3 mills to pay said indebtedness; to provide that said levy and collection of taxes for said purpose shall not be continued for a period of more than 25 years from the date of the levy thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed by the Legislature for the consideration of the qualified electors of Alabama, namely;

Lawrence County may become and may issue bonds therefor in an amount not exceeding \$130,000 in addition to that now authorized, for the construction of and equipping of a courthouse in said county. To pay said indebtedness, and interest thereon. Lawrence County may levy and collect an annual tax on all property situated therein at a rate not in excess of 3 mills. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of the construction and equipping of said courthouse hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the County Governing Body of said County; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate of taxation first shall have been authorized by a majority of the qualified electors of said county voting upon such proposal at an election to be called by said county governing body for said

purposes to be held not less than sixty (60) nor more than (120) One hundred twenty days after the adoption of this amendment.

Section 2. It is ordered by the Legislature that an election by the qualified electors of this State upon the aforesaid proposed amendment be held at the general election next succeeding the present session of the Legislature. On the official ballot provided for such election, there shall be printed the following:

Lawrence County may become indebted and may issue bonds therefor in an amount not exceeding \$130,000 in addition to that now authorized, for the construction of and equipping of a courthouse in said county. To pay said indebtedness, and interest thereon, Lawrence County may levy and collect an annual tax on all property situated therein at a rate not in excess of 3 mills. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of the construction and equipping of said courthouse hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the County Governing Body of said County; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate of taxation first shall have been authorized by a majority of the qualified electors of said county voting upon such proposal at an election to be called by said county governing body for said purposes to be held not less than sixty (60) nor more than One Hundred Twenty (120) days after the adoption of this amendment. (Yes _____. No _____).

Section 3. The officers to hold such election shall be the same as provided for the general election; and the returns shall be canvassed and the proclamation of the result shall be made as is provided by general laws relating to elections on constitutional amendments.

Also:

By Mr. Owen (Etowah):

H. 814. A Bill to be Entitled An Act To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature an amendment to the Constitution of the State of Alabama, continuing the amount of taxes which may be levied by the Governing Body of the Municipality of Attalla, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State, is hereby authorized upon such proposed amendment and the day appointed for such election is the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed. The amendment proposed is as follows:

(a) That the Municipality of Attalla, Alabama, through its governing body, may levy and collect from and after the date of this amendment the present rate of one per cent ad valorem tax per annum, and said amount to be devoted to the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality, but before any additional tax now authorized by law can be levied, it must be voted by a majority of qualified electors of the Municipality voting on such proposition at an election called by the governing body of said Municipality for such purposes; providing that the total tax levied for all purposes by the said Municipality of Attalla shall not exceed one per centum in any one year on the property situated therein, based on the valuation of such property as assessed for State taxation.

(b) That the adoption of this amendment shall in no wise effect, limit, modify, abridge or impair the power, authority or right of such Municipality to levy and collect the special school taxes now or hereafter vested in or conferred upon it under the Constitution or any amendment thereto.

(c) Each election held under the provisions of this amendment shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to Municipal Corporations, for elections to order the issuance of municipal bonds. The ballots used at such election shall contain the following words:

"For authorization of a continuation of taxation at a rate not to exceed one per cent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality."

"Against authorization of a continuation of taxation at a rate not to exceed one per cent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality."

The rate of taxation proposed shall be printed upon the ballot in the space indicated therefor and for the year or years in which

the proposed rate is to apply, and the purpose or purposes for which said tax is to be used shall likewise be placed in the respective places therefor. The voter shall record his choice either for or against authorization of the proposed rate for the proposed purpose or purposes by placing a cross mark before or after the words expressing his choice. Nothing herein contained shall in any wise change of effect the rights of any holder of bonds of said Municipal Corporations heretofore issued. Elections in said Municipality to order the levy of such tax may be held as often as ordered by the governing body thereof, but when a proposition is submitted to the said municipality hereunder and such proposition is defeated, no second election shall be held in such municipality for one year thereafter. This amendment shall be self-operative without any additional legislation.

Section 2. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county of the State for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

Also:

By Mr. Byars:

H. 963. A Bill to be Entitled An Act To propose an amendment to the Constitution of Alabama permitting certain school districts in Lawrence County, Alabama, to levy and collect for school purposes a tax of three mills in addition to all taxes now authorized.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, to-wit: Enon School District, Hendon School District, Oakville School District, Cave Springs School District, Center School District, Piney Grove School District, Shiloh School District and Speake School District in Lawrence County, Alabama, shall each have the right and power by vote of a majority of the qualified electors of such district at an election held for that purpose to levy and collect for the purpose of acquiring, constructing or repairing of school buildings in such districts or paying for school buildings already built, a tax of not over three mills in any one year, in addition to all other taxes now authorized by law. The election in such district to determine whether or not such tax shall be levied shall be called, held and conducted as now provided by law for calling, holding and con-

ducting of election to determine whether or not a three mill district school tax shall be levied and collected.

Section 2. This amendment shall be submitted to the qualified electors of the State on the first Tuesday following the expiration of ninety days after the final adjournment of the Legislature.

Also:

By Mr. Dominick:

H. 967. A Bill to be Entitled An Act To submit to the qualified voters of the State of Alabama, at an election to be held when the first general election on any question is submitted to the legal voters of Alabama, but said election not to be held within three months from and after the final adjournment of the present regular session of the 1935 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Calhoun and Tuscaloosa; and, whereby all Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable or purporting to be applicable to any or all of said Counties, and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in the following named counties: Calhoun and Tuscaloosa. All Acts of the Regular Session of the Legislature 1935, heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix the compensa-

tion of said named county officers, on a salary basis, are hereby validated and confirmed."

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least eight successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held when the first general election on any question is submitted to the legal voters of Alabama, but said election not to be held within three months from and after the final adjournment of the present regular session of the 1935 Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? 'The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation or consolidate any of said offices in the following named counties: Calhoun and Tuscaloosa. All Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix, the compensation of said named county officers, on a salary basis, are hereby validated and confirmed.' Yes No." The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of

Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once at length and referred to appropriate Standing Committees as follows:

House Bills 160, 331, 499, 814 and 963, to the Committee on Local Legislation.

H. 967, to the Committee on Constitution and Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

By Mr. Walton:

S. 112. To regulate General Contracting.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, the Senate concurred in the following amendment by the House to S. 112, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Bill 112 by striking out the words "Fifteen Thousand Dollars" wherever said words appear in said Act, and inserting in lieu thereof "Ten Thousand Dollars."

Amend Senate Bill 112 by adding thereto Section 9½ immediately after Section 9 and immediately preceding Section 10. Said Section 9½ to be in words and figures as follows:

When the Board conducts an examination of applicants for license, as much as three days may be devoted to written or oral examination within the discretion of the Board to ascertain the ability of the applicant to make a practical application of his knowledge of the profession of general contracting and shall investigate thoroughly the financial responsibility and past record of all applicants which will include an effort towards ascertaining the qualifications of applicant in reading plans and specifications, estimating costs, construction, ethics and other similar matters. The Board shall take all applicants under consideration after hav-

ing examined him or them and go thoroughly into the records, examination papers, oral and written examinations, prior to granting any certificate of license. Whenever a corporation is an applicant for a license as general contractor, the State Licensing Board shall designate the officer of the corporation to stand the examination on behalf of the corporation.

Amend Senate Bill 112 by striking from said Bill Section 12 and substituting in lieu thereof the following as Section 12 of said bill, in words and figures as follows:

Section 12. Any person, firm or corporation not being duly authorized, who shall engage in the business of general contracting in this State, except as provided for in this Act, and any person, firm or corporation presenting or attempting to file as their own the license certificate of another, or who shall give false or forged evidence of any kind to the Board, or to any Member thereof, in obtaining a certificate of license, or who falsely shall impersonate another, or who shall use an expired or revoked certificate of license shall be deemed guilty of a misdemeanor and shall for each such offense of which he is convicted, be punished by a fine of not less than Five Hundred Dollars (\$500.00) or imprisonment of six months, or both fine and imprisonment, in the discretion of the Court.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Russell	Walden
Carlton	Mixon	St. John	Walton
Chesnut	Mooneyham	Simpson	Weaver
Cook	McDowell	Stephens	Wellborn
Glover	Riddle	Taylor	Woodall

—24

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 274. To permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city or town of the State of Alabama; prescribing regulations with reference to the adoption, requirements, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon County Com-

missioners, Board of Revenue, Election Commission, and other governing boards of the counties, cities and towns; providing for redivision of wards of cities and towns into election districts and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties, cities and towns in which they are used; and providing penalties for violation of the provisions of this act.

Also:

H. 433. An Act to repeal Section 3237 and to amend Section 6105 of the Code of Alabama of 1923 by adding thereto the provision that the trial court shall retain jurisdiction of the cause to hear and determine motion for a new trial and to provide that any appeal shall raise the question of the correctness of the court's ruling on the motion for a new trial.

Also:

H. 737. To create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a County wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizen Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such Counties; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel and over such counties and municipalities therein; to provide for payment of the expenses of such agency and for a division of such expense between the county affected and the municipalities therein; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Also:

H. 745. To authorize and provide for the sterilization of particular types of mentally diseased, insane, epileptic, mentally deficient, criminal and delinquent persons in the State of Alabama; to establish a Medical Board of Sterilization and to prescribe its operation, authority and powers; to provide and define method of obtaining the authority to sterilize in each case and by whom such authority is to be granted; to define and name the method of sterilization; to provide for appeals from the decision of the Medical Board of Sterilization; to designate and prescribe by

whom costs and expenses of such proceedings and sterilization operations are to be borne; and to protect against civil or criminal prosecution persons legally participating in the execution of the provisions of this Act.

Also:

H. 747. To repeal an Act of the General Assembly of Alabama, approved December 8, 1898, entitled "An Act to allow stock to run at large in Beat 12, Lee County, at certain seasons of the year."

Also:

H. 766. To regulate, fix, and limit, the duties and powers of the Court of County Commissioners of Escambia County, Alabama.

Also:

H. 781. To amend Section 18 of an Act entitled, "An Act to establish Jury Boards in the several counties of this State, to fix the membership of said Boards, to prescribe the qualifications and terms of office and provide for the appointment of the members thereof; to fix their compensation and to define their duties; to provide for the appointment, duties and compensation of clerks of said Boards, for the qualifications of jurors, for the preparation of jury rolls and the emptying, filling and refilling of jury boxes; and to provide for the payment of the necessary expenses of the Board. (Approved February 20, 1931)."

Also:

H. 789. To provide for and regulate the assessment, levy and collection of Municipal taxes of the city of Opelika, in Lee County, Alabama, and to define the duties of State, County and Municipal offices and officers in regard thereto, and to fix the tax year for the said city of Opelika, and to make the Tax Collector of Lee County, Alabama, ex-officio collector of property taxes for the said city of Opelika.

Also:

H. 817. To define, regulate and license barbers and barber colleges, and other like businesses in Mobile County, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission.

Also:

H. 830. To require the Court of County Commissioners, or like governing body of Cullman County, to appropriate annually out of the general fund of the County a sum not less than Five Thousand (\$5,000.00) Dollars; such sum to be a preferred claim and payable to the budget of the Cullman County Health Department for the establishment, maintenance and operation of a health department in said county.

Also:

H. 831. To Amend Section Three (3), Four (4), and Seven (7) of An Act Entitled An Act To Provide for the Election of a County Superintendent of Education For DeKalb County, Alabama, to fix his term of office, to provide his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office, Approved September 19, 1923, Local Acts of Alabama, pages 211-212, 1923.

Also:

H. 844. To fix and provide for a supplementary salary of the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to fix the amount of such salary and to provide that same shall be paid out of the General Funds of the County Treasury of Mobile County, Alabama, and to provide that such salary shall be a preferred claim against the County and to be paid in equal monthly installments.

Also:

H. 851. To prescribe the duties and fix the compensation of the Deputy Solicitor for St. Clair County, Alabama, and to repeal all laws and parts of laws in conflict with this Act.

Also:

H. 852. To authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State.

Also:

H. 870. To regulate further the financing of public improvements, to permit the reduction or abatement of assessments therefor in certain cases, to provide for the refunding of bonds issued therefor and to validate proceedings heretofore taken relating thereto in cities having a population of as many as fifty thousand and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

RESOLUTION

The Rules Committee reported the following Senate Resolution:
S. R. 106. BE IT RESOLVED BY THE SENATE, that consideration of the following bills on the calendar be made Special, Paramount and Continuing Order for today:

No. 1. Local Bills:

2. H. 249. Page 24.
3. H. 248. Page 24.
4. H. 945. Page 20.
5. H. 862. Page 20.
6. H. 861. Page 21.
7. H. 946. Page 19.
8. H. 325. Page 19.
9. H. 247. Page 19.
10. H. 243. Page 19.
11. H. 242. Page 18.
12. H. 806. Page 21.
13. S. 397. Page 13.
14. S. 395. Page 14.
15. S. 213. Page 15.
16. S. 387. Page 16.
17. H. 894. Page 13.
18. S. 402. Page 17.
19. S. 220. Page 15.
20. S. 385. Page 21.
21. S. 361. Page 31.
22. S. 409. Page 31.
23. H. 876. Page 34.
24. H. 646. Page 32.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House amended as therein shown and, as amended, has passed the following Senate bill:

By Mr. Rogers:

S. 350. To amend Section 4768 of the Code of Alabama of 1923.
And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Rogers of Mobile, the Senate concurred in the following amendment by the House to S. 350, the title of which is set out in the foregoing Message from the House to-wit:

A BILL,

To be entitled an act to amend Section 4768 of the Code of Alabama of 1923.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 4768 of the Code of Alabama be amended so as to read as follows: "4768. Allowance for officers attending and prosecuting condemnation proceedings; how taxed and paid. There shall be allowed the officer making the seizure under a search warrant the sum of three dollars, and also the sum of two dollars additional for every day that such officer shall necessarily be employed in attending court for the purpose of causing liquors seized to be condemned, and the sum of ten cents per mile for each mile he shall travel in executing the writ, together with such reasonable sum as the court may deem just for necessary expenses incurred in transporting and providing storage for liquors and vessels seized; provided, however, that where a warrant is issued to any peace officer acting under the laws of the State of Alabama to search a designated place for prohibited liquors and beverages, and such officer executes such warrant and seizes such liquors or beverages, but fails to arrest any person or persons for having such prohibited liquors or beverages in his or their possession, then no fees, mileage or allowances shall be paid to any one for any service under this article; provided, further, that where a warrant is issued to any peace officer acting under the laws of the State of Alabama to search a designated place for prohibited liquors or beverages, and such officer executes said warrant, seizes such prohibited liquors or beverages, arrests one or more persons alleged to have had the possession of such liquors or beverages at the time of said seizure, and said person is tried and acquitted of the charge or charges arising out of the possession, use or sale of said seized prohibited liquors, or beverages by the Court having jurisdiction of the cause, or the cause is not proessed by such Court or withdrawn and filed, then the fees, mileage or allowances above named shall be taxed and paid as in criminal prosecutions in which the State fails, upon the Court, or Judge, or Justice making an order to that effect; if, however, the arrest of one or more persons alleged to have had the possession of such liquors or beverages be made and the defendant or defendants finally convicted, the costs or fees hereinabove set out shall be taxed in the bill of costs against such defendant, or defendants, and if not collected from such defendant or defendants, so convicted shall be taxed and paid as in criminal prosecutions in which the State fails, upon the Court, or Judge or Justice making an order to that effect.

Section 2. This law shall become effective immediately upon its passage and approval by the Governor.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Taylor
Browder	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Russell	Tucker
Chesnut	Mixon	Simpson	Walden
Dorsey	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Woodall
Glover	Parrish		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on Senate amendment to the following House bill:

By Mr. Sanderson:

H. 811. Declaring a State and National Emergency to exist affecting the service trades within the State of Alabama, declaring the necessity for ordinances providing for fair competition among service trade; declaring this Act an emergency measure; authorizing the governing bodies of all cities of this State whose population is not less than 60,000 nor more than 300,000 according to the last or any subsequent Federal census to enact or repeal such ordinances providing for fair competition among those trades wherein services are rendered to the public without the sale of merchandise as such except as a mere incident to such service; providing for the application to the governing bodies of such cities for the establishment of ordinances providing for fair competition, and providing a penalty for violation of provision of ordinances so adopted.

Said report being in words and figures as follows:

To the Senate and House of Representatives of Alabama:

Your Committee on Conference appointed to settle the disagreement between the two Houses with respect to House Bill Number 811, begs leave to report as follows:

1. Your Committee respectfully recommends that the Senate recede from the substitute offered and adopted to said Bill.

2. Your Committee further respectfully recommends that the Senate and House of Representatives amend the original House Bill Number 811 in the following particulars, that is to say: Amend the Caption and Section Three of said original house bill number 811 by striking therefrom the figures "300,000" where they appear in said caption and section three, and insert in

lieu thereof the figures "250,000", and as so amended your Committee respectfully recommends that both Houses adopt and pass said bill.

(Signed)

L. A. SANDERSON

A. L. STAPLES

WM. V. McDERMOTT

Committee on the part of the House of Representatives.

C. M. A. ROGERS

FLOYD H. MOONEYHAM

Committee on the part of the Senate.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mooneyham, the Senate concurred in and adopted the foregoing report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 811, the title of which and said Conference Report is set out in the foregoing Message from the House.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Cook

Dorsey

Glover

Kelly

Kuykendall

Locke

Mixon

Mooneyham

McDowell

Parrish

Riddle

Rogers (Mobile)

Russell

Simpson

Stephens

Swift

Taylor

Tucker

Walden

Walton

Weaver

Woodall

—25

Nays:—None.

SPECIAL ORDERS

The Senate proceeded to consider the Special Orders for today, the first of which was the bill:

S. 378. To relieve all persons in Cleburne County, Alabama of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation, to work on the public roads in Cleburne County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner

Browder

Carlton

Chesnut

Cook

Dorsey

Fletcher

Glover

Kelly

Locke

Mooneyham

McDowell

Parrish

Riddle

Rogers (Mobile)

Russell

St. John

Simpson

Stephens

Swift

Thomas

Tucker

Walden

Walton

Weaver

Woodall

—26

Nays:—None.

The bill:

S. 377. To prescribe and regulate the salary and compensation of the members of the Courts of County Commissioners and/or Boards of Revenue and/or other Governing Bodies in all counties of Alabama, which now have or may hereafter have a population of less than fifteen thousand, according to the last, or any subsequent Federal Census and to provide the manner of payment and to repeal all laws and parts of laws in conflict with this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Riddle		

—26

Nays:—None.

The bill:

H. 840. To provide for an election to submit to the qualified electors of Lawrence County for their approval or rejection a proposal to issue bonds in an amount not exceeding \$130,000 for the purpose of constructing and equipping a courthouse and jail building for said county; and to levy and collect taxes on all taxable property in said county at a rate not exceeding three mills, to provide a fund for the payment of said indebtedness and the interest thereon; and to provide for the issuance of said bonds and the levy of said tax over a period not exceeding twenty-five (25) years, in the event the said proposal is approved by the majority voting in said election; and to provide for the construction and equipping of said courthouse and jail building.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Riddle		

—26

Nays:—None.

The bill:

H. 813. To relieve and release J. T. Rockett, former Tax Collector of Chilton County, Alabama, on account of his failure to collect, while Tax Collector of Chilton County, Alabama, Ad Valorem Taxes assessed against the Central Alabama Hospital, Inc., a corporation, and its property in Chilton County, Alabama, for the tax years of 1929 and 1930, said Central Alabama Hospital, Inc., a corporation, having been entitled during said tax years to an exemption as against tax on said property and the relief and release hereby granted being on an assessment in each of said years of a tax value of \$12,000.00, and to grant an exemption from said taxes to said Central Alabama Hospital, Inc., a corporation, for said tax years of 1929 and 1930.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Riddle		

—26

Nays:—None.

The bill:

H. 812. To relieve or exempt the Central Alabama Hospital, Inc., a corporation, of or from the payment of all Ad Valorem taxes assessed against it or its property in Chilton County, Alabama, for the State of Alabama and for Chilton County for the tax year 1932 and/or which was due on said property at said time, and to annul, set aside and avoid the sale of said property for such taxes, which sale was made by W. G. Culp, as Tax Collector of Chilton County, Alabama, on the 19th day of November, 1934, and sold to the State of Alabama for \$288.96, said sale being made under a decree of the Probate Court of Chilton County, Alabama, dated October 15th, 1934, and to declare such property exempt from such taxes, it appearing that the property so sold was exempt from taxation during said tax year, but that such exemption was not claimed or allowed.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Carlton	Cook	Fletcher
Browder	Chesnut	Dorsey	Glover

Kelly	Riddle	Stephens	Walden
Locke	Rogers (Mobile)	Swift	Walton
Mooneyham	Russell	Thomas	Weaver
McDowell	St. John	Tucker	Woodall
Parrish	Simpson		

—26

Nays:—None.

The bill:

S. 379. To authorize and empower the Courts of County Commissioners and/or Boards of Revenue, and/or other Governing Bodies of all counties of Alabama which now have or may hereafter have a population of less than fifteen thousand, according to the last, or any subsequent Federal census, to transfer any funds (except school monies and sinking funds) that may be received by the county, to the general fund of the county at any meeting of said Court, or Board of Revenue or Governing Body and to ratify like transfers heretofore made and to repeal all laws and parts of laws in conflict with this section.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Riddle		

—26

Nays:—None.

The bill:

S. 400. To provide a Commission-Manager form of government for all counties of the State of Alabama having a population of not less than 36,000 and not more than 36,600 population, according to the last Federal census and to provide procedure for an election to determine whether any such county shall adopt the form of government herein provided, to provide for the appointment of the Commissioners and their election, term of office and compensation, and to prescribe their powers and duties; to provide for a Manager to be elected by the Commission and removed at its pleasure; to fix his salary, prescribe his powers and duties; to provide a budget for such counties; publication of the budget, public information of the financial status of such counties, and to make it a misdemeanor to draw warrants against county funds in such counties when there are no funds in the treasury to the credit of the funds against which the warrant is drawn; to authorize such

counties, through their managers, to make contracts, with reference to the construction of public highways, either with the State or adjoining counties; also in reference to health and quarantine laws, and their administration; to abolish the offices of Tax Collector and Tax Assessor of such counties at the expiration of the term of office of the officers holding such offices on the date of the adoption of this Act, and to provide for a Tax Agent, appointed by the Commission, and his assistants, to fix his salary and prescribe his duties in reference to assessment and collection of taxes; to prescribe the effective date of this Act and to repeal all laws in conflict herewith.

Was taken up.

The Committee on Local Legislation reported the following amendment to said bill to-wit:

To amend Senate Bill No. 400 by striking out the figures "36,600" wherever they occur in the bill and inserting in lieu thereof the figures "36,400."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Riddle		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Riddle		

—26

Nays:—None.

The bill:

H. 723. To amend Sections 1 and 2 of an Act of the Legislature of Alabama entitled: "An Act to provide for the election of

County Superintendent of Education for Clay (County), Alabama, to fix his term of office, to prescribe his salary and the manner of payment; to define his qualifications, powers and duties, and to provide for the election of his successor in office" approved September 26, 1923.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Riddle		

—26

Nays:—None.

The bill:

H. 771. For the Relief of Frank M. Barry, and to authorize, empower and direct the Court of County Commissioners of Colbert County, Alabama, and the County Depository of said County to pay to the said Frank M. Barry out of any money in County Treasury, not otherwise appropriated, in order to reimburse Frank M. Barry for an overpayment made by him to the County Treasury through the Probate Judge of Colbert County, Alabama, in redeeming certain property sold for taxes, state and county, in the year 1932.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Riddle		

—26

Nays:—None.

The bill:

H. 854. To abolish the office of Deputy Solicitor of Cullman County, Alabama, to fix the time when such office shall be abolished, and to provide that such bill shall not affect any general, special or local laws except as herein provided for.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Riddle		

—26

Nays:—None.

The bill:

H. 878. To regulate the maintenance, repair and construction of the Roads and Bridges of Cullman County, Alabama; to create the office of Road and Bridge Superintendent for Cullman County, Alabama, to prescribe the qualifications, powers and duties of said Superintendent, to provide for his appointment, to fix his salary and term of office, and to require him to give bond, and to relieve the Judge of Probate and County Commissioners of all road duties, and to provide that said Commissioner shall receive no compensation for any road services that may be rendered.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Riddle		

—26

Nays:—None.

The bill:

H. 869. To authorize the sheriff of Chilton County, Alabama to appoint a special or general deputy, fix his tenure of office, prescribe his duties, fix his compensation and to authorize and require the Court of County Commissioners to pay the same by warrant drawn on the treasurer and paid out of the general funds of said County, and to require said deputy to give bond in the sum of \$2000.00 payable to said sheriff with conditions as required by Section 2595 of the Code of Alabama, 1923.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Chesnut	Fletcher	Locke
Browder	Cook	Glover	Mixon
Carlton	Dorsey	Kelly	McDowell

Parrish	St. John	Thomas	Walton
Riddle	Simpson	Tucker	Weaver
Rogers (Mobile)	Stephens	Walden	Woodall
Russell	Swift		

—26

Nays:—None.

The bill:

H. 855. To create the office of County Solicitor of Cullman County, Alabama, to provide for the election of such officer by the qualified voters of said county, to prescribe his powers, duties and qualifications, to provide for his compensation, fix the term of his office, provide for the election, and the time of the election of his successor, to provide for the furnishing to him of suitable offices, telephones, postage and stationery and to provide for the payment of such rents, telephone calls, postage and stationery, to require him to act as attorney for the county court of county commissioners and the county board of education, to repeal all general and local laws in conflict herewith so far as they relate to said county.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Riddle		

—26

Nays:—None.

The bill:

H. 178. To vest in the City of Birmingham, a municipal corporation, the title to the East half of block 44, according to the Elyton Land Company's survey, for the purpose of a public municipal park.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Riddle		

—26

Nays:—None.

The bill:

H. 575. To abolish the Commissioners Court of Clay County, Alabama; and the office of County Commissioner, to establish in said County a County Commission; to provide for the election of the members of said Commission; to fix their term of office; to define the powers and duties of such Commission and to fix the compensation of the members thereof.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to said bill to-wit:

Amend House Bill No. 575 by striking out Section 3 and add in lieu thereof the following:

Section 3. The compensation of each member of said County Commission shall be the sum of \$37.50 per month and shall be paid out of any monies in the County Treasury which shall be designated and set apart by the County Commission for the payment thereof, such compensation to be in full payment of all services of said members of said County Commission, including their services as a Board of Review.

Further amend said Bill by adding the following immediately after the words "Judge of Probate" in line 15 of Section 5 "and all county officers or officials."

Further amend said Bill by adding the following in line 18 of Section 5 immediately after the word "month" in said line—provided that in cases of emergency the Judge of Probate may purchase equipment, repairs, spare parts or supplies to an amount not in excess of \$100.00 and submit the same to the County Commission for its approval, and upon the approval thereof shall be a legal and binding obligation of the county.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Riddle		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Riddle		

—26

Nays:—None.

The bill:

S. 409. To authorize and empower the governor to contract rental or lease agreements with persons, firms, or corporations owning bridges across streams between counties and on state maintained highways, so as to make said bridges free for crossing of the travelling public and to provide for the payment of rental thereon.

Was taken up.

The Standing Committee on Public Roads and Highways reported the following amendment to said bill to-wit:

Amend Senate Bill No. 409, Section 1, by adding thereto the following words "provided however, no bridge authorized hereunder to be leased or rented shall be leased or rented for a greater sum than five thousand dollars per annum."

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Cook	Mooneyham	Simpson	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall

—28

Nays:—None.

Mr. Woodall offered the following amendment to said bill to-wit:

Amend Senate Bill No. 409 by inserting in the title thereof, after the words "For the payment of" where they appear together, the following words "A maximum yearly."

Which was adopted.

Yeas, 25; Nays, 1.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers (Mobile)	Taylor
Chesnut	Mixon	Russell	Thomas
Cook	Mooneyham	St. John	Tucker
Dorsey	McDowell	Simpson	Walden
Fletcher	Parrish	Stephens	Weaver
Glover	Riddle	Swift	Woodall
Kelly			

—25

Nays: Mr. Walton

—1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Tucker
Browder	Mixon	Simpson	Walden
Chesnut	Mooneyham	Stephens	Walton
Cook	McDowell	Swift	Weaver
Fletcher	Riddle	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 249. To make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

To amend House Bill 249 by adding the following to Section 6 on page 4: In addition to the amounts appropriated above there is hereby appropriated the further sum of seventy five Hundred (\$7500.00), to be known as an emergency fund, to be used by the Attorney for such lawful purposes as he may deem wise and proper, and for emergencies and contingencies which may arise from time to time.

Amend Section 2 of Chapter IX of H. B. 249 by striking out the words and figures "the compensation of the State Geologist, \$3600.00," and insert in lieu thereof the words and figures "The compensation of the State Geologist, \$3,000.00."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Mixon	St. John	Tucker
Carlton	Mooneyham	Simpson	Walden
Chesnut	McDowell	Stephens	Walton
Cook	Parrish	Swift	Weaver
Fletcher	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

Mr. Simpson offered the following amendment to said bill to-wit:

Amend House Bill 249, Section 10, Paragraph 5 as follows:

There is further appropriated the sum of \$8000.00 to the Alabama Boys Industrial School as a refund for money expended by the School Board in purchase of land subsequently deeded to the State of Alabama, subject to the approval of the Governor.

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Glover	Riddle	Taylor	

—27

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Stephens	Weaver
Dorsey	McDowell	Swift	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover			

—29

Nays:—None.

The bill:

H. 248. In relation to the educational system of Alabama; to make annual appropriations and provide funds for the support,

maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amend Item 1, Section 2 of H. B. 248 by striking out the words and figures "Alabama College \$185,119.98," and substituting in lieu thereof, the following: "Alabama College—\$205,119.98."

Amend Item 2, Section 2 of H. B. 248 by striking out the words and figures "University of Alabama—\$356,899.05" and substituting in lieu thereof the following: "University of Alabama—\$393,899.05."

Which was adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Kelly			

—29

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Stephens	Weaver
Dorsey	McDowell	Swift	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover	Riddle		

—30

Nays:—None.

The bill:

H. 945. In relation to the public school system of Alabama: To make appropriations and provide funds for the support, mainten-

ance, and development of the public school system of the State.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Stephens	Weaver
Dorsey	McDowell	Swift	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover	Riddle		

—30

Nays:—None.

The bill:

H. 862. To provide for Extension Work in agriculture and home economics by giving instructions to men, women and young people in the several counties in Alabama, by continuing and improving farm and home demonstration work, by providing for the training of men and women leaders, by organizing groups of farm people, including men, women, boys and girls, into clubs for the improvement of agriculture and farm home life, and by conducting Extension work through other means, all with the view of making farm life more profitable and attractive; and to aid in securing for Alabama the full amounts of all Federal funds conditionally appropriated to Alabama by the Congress of the United States under an Act approved May 8th, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, and other related and supplementary acts; and to make appropriations for these purposes.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Stephens	Weaver
Dorsey	McDowell	Swift	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover	Riddle		

—30

Nays:—None.

The bill:

H. 861. To make appropriations to the Alabama Agricultural Experiment Station at Auburn; to the branch agricultural experiment stations located at Belle Mina in Limestone County, at

Crossville in DeKalb County, at Marion Junction in Dallas County, at Headland in Henry County, and at Fairhope in Baldwin County, to the experiment fields located at various points in Alabama; to provide for the purchase of necessary land; to provide for the administration, supervision and direction of the research work carried on by the above agencies; to provide for the purchase of equipment, supplies, and for other necessary expenses involved in the conduct of agricultural researches and experiments on the main station at Auburn, on the branch stations, on the experiment fields, and in cooperation with farmers, and to provide how and from what sources said appropriation shall be derived, the distribution thereof, and the manner in which same shall be paid.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Cook	Mooneyham	Simpson	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn

—28

Nays:—None.

The bill:

H. 946. In relation to Tuskegee Institute: To make appropriation and provide funds to help in the support, maintenance, and development of Tuskegee Institute.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Cook	Mooneyham	Simpson	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn

—28

Nays:—None.

The bill:

H. 325. To create a Sinking Fund to retire the Renewal Class A, the Renewal Class C, and the Funding Bonds of the State of Alabama; to appropriate and transfer certain funds there-

to and to create a Commission to be known as the Sinking Fund Commission; to administer the same and to define the powers and duties of said Commission and prescribe the functions thereof.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Stephens	Weaver
Dorsey	McDowell	Swift	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover	Riddle		

—30

Nays:—None.

The bill:

H. 247. To appropriate the monies now in the Treasury to the credit of the Federal Water Power Act Fund, and to provide for the disposition of future receipts from the Federal Government.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Stephens	Weaver
Dorsey	McDowell	Swift	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover	Riddle		

—30

Nays:—None.

The bill:

H. 243. To appropriate the monies now in the Treasury to the credit of the Two and Three Per-Cent Fund, and to provide for the disposition of future receipts from the Federal Government.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Cook	Kelly	Mooneyham
Browder	Dorsey	Kuykendall	McDowell
Carlton	Fletcher	Locke	Riddle
Chesnut	Glover	Mixon	Rogers (Mobile)

Russell
St. John
Simpson
Stephens

Swift
Taylor
Thomas

Tucker
Walden
Walton

Weaver
Wellborn
Woodall

—29

Nays:—None.

The bill:

H. 242. To amend Sections 6363 and 6364 of the Code of Alabama of 1923, relating to unclaimed dividends in Liquidated State Banks, and also to provide for the disposition of such funds now in the Treasury.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Fletcher
Glover

Kelly
Kuykendall
Locke
Mixon
Mooneyham
McDowell
Riddle

Rogers (Mobile)
Russell
St. John
Simpson
Stephens
Swift
Taylor

Thomas
Tucker
Walden
Walton
Weaver
Wellborn
Woodall

—29

Nays:—None.

RECESS

At 12:50 P. M., on motion of Mr. Dorsey, the Senate took a recess until 3 o'clock this afternoon.

FORTY-THIRD DAY—AFTERNOON SESSION

Monday, August 26th, 1935.

The Senate re-assembled at 3 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Fletcher
Glover

Kelly
Kuykendall
Locke
Mixon
Mooneyham
McDowell
Parrish
Riddle

Rogers (Mobile)
Russell
St. John
Simpson
Stephens
Swift
Taylor

Thomas
Tucker
Walden
Walton
Weaver
Wellborn
Woodall

—30

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Chesnut:

S. 424. To amend Sections 94, 108-113, inclusive, 133, 182, 277, 281, 290, and 472 of the Alabama School Code of 1927.

Committee on Education.

By Mr. Chesnut:

S. 425. To create the Cherokee County Centennial Commission, to prescribe its powers and duties, and to make an appropriation for the appropriate celebration under the direction of the commission, of the one hundredth anniversary of the creation of Cherokee County in Alabama.

Committee on Finance and Taxation.

By Mr. Fletcher:

S. 426. To validate certain leases made to the State of Alabama in Baldwin and other counties, for the purpose of Geological Surveys and the development of the salt, oil, gas and other mineral resources of such lands and to authorize the Governor to transfer such leases.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Russell, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without Recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Walton:

S. 410. To more effectively provide for the supervision, inspection and regulation by Alabama Public Service Commission, in the public interest, of transportation companies, and of their rates, fares and charges, service, facilities, practices, rules and regulations and to provide for the payment of supervision and inspection fees by such transportation companies.

Mr. Kelly, Chairman of the Standing Committee on Immigration and Industrial Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

H. 913. To create and provide for and regulate a Department of Labor in the State of Alabama; to prescribe its authority and jurisdiction, and provide for a Commissioner of Labor and fix his salary and define his duties.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Coleman:

H. 860. To amend Sections 2874, 2875, 2880, 2885, 2886, 2888, 2889, 4387, 4389 and 4390 Code of Alabama 1923, relative to the practice of optometry.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDermott:

H. 629. To amend an Act entitled "An Act to vest the circuit court, or court of like jurisdiction, with power to authorize a married person whose spouse is insane to dispose of any or all interests owned in real estate as if single", approved April 19, 1933, so as to read as follows:

"An Act to vest the circuit court, or court of like jurisdiction, with power to authorize a married person whose spouse is insane to sell, convey, mortgage, or otherwise dispose of any or all interests owned in real estate, not including a homestead, as if single".

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 336. To amend the caption and Section 1, Section 2, Paragraph (d), Section 3, Section 6, Section 9, Section 11 and Section 16 of an Act entitled, "An Act to authorize the creation of the Rural Electrification Authority of Alabama for the purpose of promoting and encouraging the fullest possible use of electric energy in the State by making electric energy available to certain inhabitants of the State at the lowest cost consistent with sound economy and prudent management; authorizing the Authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation, transmission and distribution of electric energy to carry out the purposes of this Act; providing for the rights, powers and duties of the Authority; authorizing and regulating the issuance of bonds by the Authority; and providing for the payment of such bonds and the rights of the holders thereof, approved February 7, 1935.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 325. To provide for the extension of the county three mill and county one mill school taxes by the legally qualified voters of a county where such taxes have already expired or will expire before October 1, 1950, to enable the superintendent and board of education to be in better position to take advantage of Federal funds which have been or may be made available for the construction, addition to, alteration, repair, or renovation of needed school buildings, and to provide the term of extension of such taxes as have not expired, and to legalize taxes already voted.

Also:

S. 327. In the interest of economy in the operation of the public schools of the State of Alabama, to authorize county and city boards of education to take steps to refinance warrants or other obligations outstanding for school purposes carrying an interest rate in excess of four and one-half ($4\frac{1}{2}$) per cent.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate Amendments to the following House bills:

By Mr. Harrison:

H. 249. To make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

Also:

By Mr. Harrison:

H. 248. In relation to the educational system of Alabama; to make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama.

Also:

By Mr. Kelly:

H. 575. To abolish the Commissioners Court of Clay County, Alabama; and the office of County Commissioner, to establish in said County a County Commission; to provide for the election

of the members of said Commission; to fix their term of office; to define the powers and duties of such Commission and to fix the compensation of the members thereof.

E. F. Taylor,
Clerk.

BILLS RETURNED AND RE-REFERRED

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a recommendation that it be re-referred to the Standing Committee on Rules to-wit:

H. 750. To amend the caption and Section 1, Section 2, paragraph (d), Section 3, Section 6, Section 9, Section 11 and Section 16 of An Act entitled, "An Act to authorize the creation of the Rural Electrification Authority of Alabama for the purpose of promoting and encouraging the fullest possible use of electric energy in the State by making electric energy available to certain inhabitants of the State at the lowest cost consistent with sound economy and prudent management; authorizing the Authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation, transmission and distribution of electric energy to carry out the purposes of this Act; providing for the rights, powers and duties of the Authority; authorizing and regulating the issuance of bonds by the Authority; and providing for the payment of such bonds and the rights of the holders thereof, approved February 7, 1935.

Pursuant to such recommendation, the President of the Senate re-referred said bill to the Standing Committee on Rules.

RESOLUTION

Mr. Walton offered the following Resolution:

S. J. R. 107. RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet at ten o'clock A. M. On Wednesday, August 28th, 1935.

Which was read and referred to the Standing Committee on Rules.

The Rules Committee reported the following Senate Resolution:

S. R. 108. RESOLVED BY THE SENATE that when the senate adjourns today it adjourns to meet at 10:00 o'clock A. M. tomorrow, Tuesday, August 27th, 1935.

Mr. Kelly offered the following substitute for said Resolution to-wit:

BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn to-day they adjourn to meet again on Tuesday the 3rd day of Sept., 1935, at 10:00 A. M., but no member shall receive mileage.

On motion of Mr. Walton, said substitute was laid on the table.

Mr. St. John offered the following substitute for said Resolution to-wit:

BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn they adjourn to meet Tuesday, Aug. 27th, at 12 o'clock.

Mr. Walton moved to lay said substitute on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Lee (Monroe):

H. 886. To authorize and provide a fund to be known as the "State Surety Insurance Fund" to be carried in the State Treasury for the purpose of insuring the State, counties and municipalities of the State of Alabama against loss from defalcation, misappropriation or other improper disposition of State, county or municipal funds; to establish a basis for the assessment and collection of the premiums from the State, counties, municipalities and individuals to be paid into the State Treasury, and to provide for a sinking fund with which to reimburse the State, counties and municipalities for any loss occasioned from the defalcation, misuse or misappropriation of State, county or municipal funds and to transfer from the State Insurance Fund, as it now exists, \$100,000.00 to the State Surety Insurance Fund as an emergency fund to be used only in case the losses sustained shall be in excess of premiums collected; and to authorize the State Board of Administration to administer said fund and to promulgate rules and regulations necessary for the proper administration of this Act; to provide for suit on such bonds and for the payment therein; and to provide for the execution of such bonds by the State Comptroller.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 886, to the Committee on Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:
By Mr. Carter:

H. 936. To Amend Schedule 67 of Article 13 Chapter 1 Section 348 of House Bill 324 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10th, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 936, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Toomer:

H. J. R. 219. Expressing assent of the Legislature of the State of Alabama to the provisions and purpose of the Bankhead-Jones Act of June 29th, 1935, (Public-No. 182-74th Congress)

Whereas, There has been enacted by the Senate and House of Representatives of the United States of America in Congress assembled, An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges, approved June 29, 1935, (Public-No. 182-74th Congress), and

Whereas, the Provisions of the Act and the purpose of the grants of money authorized by the Act are made subject to the legislative assent of the several states and territories,

Therefore, be it resolved by the House of Representatives of the Legislature of the State of Alabama, the Senate concurring, that the assent of the Legislature of the State of Alabama, required by the said Act, be and the same is hereby given.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Thomas, the Senate concurred in and adopted H. J. R. 219, set out in the foregoing Message from the House.

SPECIAL ORDERS

The next Special Order to-wit:

H. 806. To appropriate the sum of One Hundred Thousand Dollars for the relief of the City of Decatur, Morgan County, Alabama.

Was read a third time at length and passed.

Yeas, 25; Nay, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Taylor
Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	McDowell	Simpson	Walton
Fletcher	Parrish	Starnes	Weaver
Glover	Riddle	Stephens	Woodall
Kelly			

—25

Nays:

Mr. Dorsey

—1

The next Special Order to-wit:

S. 397. To establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pension; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of recipients of old age pensions and to provide for the enforcement thereof; to provide for the administration of such system and to define offenses against same and to fix punishment for such offenses; and to provide for co-operation with the Government of the United States and its agencies in caring for the needy aged.

Was taken up.

Mr. Simpson offered the following substitute for said bill to-wit:

Substitute for S. 397—Simpson:

A BILL

To be Entitled An Act To establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under

Article I of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof; to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith.

Be it enacted by the Legislature of Alabama:

SECTION 1. The term "State Department" as used in this Act shall mean the State Department of Public Welfare; the term "County Department" as used in this Act shall mean the County Department of Public Welfare; the term "County Board" as used in this Act shall mean the County Board of Public Welfare; the term "County Director" as used in this Act shall mean the Director of the County Department of Public Welfare; the term "county governing body" as used in this Act shall mean the Board of County Commissioners, Board of Revenue, Court of County Commissioners or other Court or Board of like jurisdiction of a County in this State; the term "he" or "him" or "his" as used in this Act shall be interpreted to mean he or she or him or her or his or her.

SECTION 2. The county governing bodies, in addition to the powers now given them, shall have the power to provide and use funds in the county treasury for the purpose of carrying out the provisions of this Act.

SECTION 3. Old age pensions shall be payable under this Act to any person who shall comply with the requirements of this Act and who:

(a) Until January 1, 1940, has attained the age of 70 years and thereafter has attained the age of 65 years;

(b) Is a citizen of the United States and has been a resident of the State of Alabama for at least five years within the nine years immediately preceding his application for old age assistance;

(c) Has resided in the state for at least one year immediately preceding the date of the application;

(d) Has resided in and been an inhabitant of the county in which application is made for at least one year immediately preceding the date of the application, or has a legal settlement in the county in which the application is made. Any person otherwise qualified who has resided in the state for five years or more within the nine years immediately preceding the application, and who has no legal settlement, shall file his application in the county in which he is residing, and his assistance, if granted, shall be paid entirely from state funds until he can qualify as having a legal

settlement in the said county. For the purpose of this Act, every person who has resided one year or more in any county in this state shall thereby acquire a legal settlement in such county which he shall retain until he has acquired a legal settlement elsewhere, or until he has been absent voluntarily and continuously for one year therefrom;

(e) Has no income or has income which, when added to the contributions in money, subsistence or service from legally responsible relatives or from any other source, is inadequate to provide a reasonable subsistence in proportion to his accustomed standard of living;

(f) Has not directly or indirectly disposed or deprived himself of any property for the purpose of qualifying for the benefits of this Act;

(g) Has not during the ten years last past been imprisoned upon a conviction for a felony;

(h) Is not an inmate of any public institution;

(i) Is not at the date of making application an inmate of any prison, jail, insane asylum or other public reform or correctional institution nor has been an inmate of such institution for the last past year.

(j) During the ten years next preceding the date of making application for a pension hereunder; if a husband has not for six months or more, deserted his wife, or without just cause, failed to support his wife or his children under 16 years of age; if a wife, has not for six months or more deserted her husband, or, without just cause, failed to support such of her children as were under 16 years of age and whom she was legally bound to support.

SECTION 4. It shall be the duty of the county governing body in each county to provide a reasonable subsistence in proportion to the accustomed standard of living of the applicant to each person eligible for an old age pension under the provisions of this Act. The amount of such pension shall, subject to rules, regulations and standards of the state Department, be determined by the County governing body with due regard to the conditions existing in each case. The amount of each pension shall not be more than \$30.00 monthly, except that in the case of any person who served in and was honorably discharged from the armed forces of the United States or of the Confederate States of America in the War Between the States, the amount of each pension shall not exceed \$50.00 monthly.

SECTION 5. Application for a pension shall be filed with the County Director. The application shall state the name of the applicant, the place and date of his or her birth, and, if a naturalized citizen, the place and date of his naturalization; his present place of residence and postoffice address and the length

of residence at such place; the place of his residence for ten years last past and the length of his residence at each place; whether married or single, and if single whether a bachelor, unmarried woman, widowed, or divorced and the length of time so widowed or divorced; an inventory of all real and personal property owned, with the value of each item and if assessed for taxation the assessed value thereof; and the amount of income for one year last past and the source thereof; whether if imprisoned upon conviction of a felony and if so when; the name, age and place of residence of husband or wife, respectively, if any; the names, ages, and places of residence of all children, brothers and sisters; general state of health and whether deaf, blind, crippled or otherwise incapacitated for his usual occupation, and the nature and extent of any incapacity claimed; and such other information as may be prescribed from time to time by the State Department. An investigation and record shall be promptly made by the County Director of the circumstances of the applicant. The object of such investigation shall be to ascertain the facts supporting the application made under this Act and such other information as may be required by the rules of the State Department. The County Department shall have the power to issue subpoenas for witnesses and compel their attendance and the production of papers and writings, and its Director and employees designated by him may administer oaths and examine witnesses under oath. The County Director shall certify his finding and recommended award in each case to the county governing body which shall within thirty days thereafter, upon such additional investigation or hearing, if any, as it deems necessary, either approve, disapprove, or amend such finding or recommended award.

SECTION 6. When its decision has been made the county governing body shall enter an order in its minutes denying the application, if denied, and the grounds therefor, or granting a monthly pension to the applicant, if granted, in such amount as limited in this Act, and for such length of time not exceeding one year as the county governing body shall deem just and reasonable, which order shall state the name, age, place of residence of the applicant, and date on which pension was begun and shall authorize the drawing of a warrant against the general fund of the county for such payments to the applicant or to such person, for the use of the applicant, as the county governing body shall designate, and the county governing body shall have the power to impose as a condition to such grant that the applicant shall assign, convey or transfer to the county the whole or such portion of his property as the county governing body shall deem adequate, as a security for the retirement of the amount paid to the pensioner, together with interest thereon. Notice of the action taken by the

county governing body on an application shall be given the applicant in writing by registered letter, return receipt requested, mailed to him at the address given on his application. Said letter of notice shall be mailed to the applicant not more than five days after the county governing body shall have taken action.

SECTION 7. In the event an application is denied or the amount or terms of an award or of any modification thereof be deemed inadequate or unjust by the applicant, the applicant affected may demand a review of his case before the State Department by filing his written request for such review with such county governing body not more than sixty days after notice of its action, such governing body shall thereupon certify its records and data on the case, including the records of the County Department, and such additional information as it deems relevant, to the State Department, which Department shall promptly grant a hearing upon such application. At this hearing any party at interest may appear and present any relevant facts. The State Department shall make such additional investigation as it may deem necessary and shall certify its finding and award on the case back to the county governing body concerned and such finding and award shall thereupon become final and effective as of such date as the State Department shall fix. In the review of any disallowance of an application or of an award or modification thereof, the State Department may act through its Board or through any three members thereof designated by its Chairman or other presiding officer.

SECTION 8. It shall be the duty of the State Department to review all disallowances of applications and all awards and modifications of awards made by the county governing body of each county. The State Department may at any time upon its own motion, after notice to the applicant and to the county governing body and due opportunity for a hearing, make such decision as to the granting of any pension and the amount and terms thereof as in its opinion is justified by the facts, and is in conformity with the provisions of this Act, and such decision shall be final and shall be binding upon the county and applicant and shall be complied with by the county governing body. No decision of the State Department shall increase the award made by a county governing body except in a case where under the provisions of Section 7 hereof the applicant has demanded a review of the award.

SECTION 9. On or before the expiration of one year from the date of an order granting an old age pension and at the expiration of each year thereafter, unless the pension has been canceled by order of the county governing body or the recipient has died, the county governing body, after recommendation of the County Director and such hearing and investigation as it shall

deem necessary, shall have the power to enter an order renewing such pension for the ensuing year, in which order the amount of monthly allowances may be decreased or increased to any sum, within the limits fixed in this Act, as the county governing body may deem just. Its action in this respect shall be subject to appeal and review as prescribed in Sections 7 and 8.

SECTION 10. If at any time the recipient of an old age pension, or the husband or wife of such recipient, shall become possessed of any property or income in excess of that owned or being received at the date of the application or if at any time any relative of the recipient responsible in law for his support, becomes able to support the recipient, in whole or in part, it shall be the duty of the recipient immediately to notify the county governing body in writing of the facts in the case. The county governing body upon such notification, or upon otherwise learning the facts, shall, after investigation, continue, reduce or cancel the amount of the pension as the facts may warrant. Its action in this respect shall be subject to appeal and review as provided in Sections 7 and 8 above.

SECTION 11. All amounts paid or payable as old age pensions shall be exempt from any tax levied by the State or any subdivision thereof and shall be exempt from levy and sale, garnishment, attachment or any other process whatsoever and shall be inalienable in any form and in the case of bankruptcy shall not pass to the trustee or other person acting on behalf of the creditors of the recipient of an old age pension.

SECTION 12. Any person who by means of a false statement, knowing it to be false, or wilful misrepresentation or by impersonation or other fraudulent device obtains or attempts to obtain or aids or abets any person in obtaining an old age pension to which such person is not entitled or a larger amount of pension than that to which he is justly entitled shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500.00 and may also be sentenced to hard labor for the county for not exceeding twelve months, or both.

SECTION 13. The pension records and accounts of each county shall be maintained as prescribed by the State Department and shall be subject to inspection, supervision and audit in the same manner and with the same effect as now or hereafter may be provided by law for the examination of other public offices, and the county governing body shall annually make report to the State Department of all receipts and disbursements of the county for old age pensions in such manner and upon such forms as the State Department may require and such reports shall be made at such time as the State Department may require.

SECTION 14. The County Director shall perform the duties herein specified and such other duties in the administration of this Act as the country governing board may from time to time designate, subject to the rules and regulations of the State Department. The County Director shall make such reports to the State Department and furnish such information to the State Board as may be required by it. The State Department shall make such reports and furnish such information as may be required by the Federal Social Security Board or other Federal Agency which may be provided for the administration of Federal aid to state systems of old age pensions.

SECTION 15. The State Department shall supervise the administration of old age pensions under this Act. The State Department shall prescribe the form of and print and supply to County Directors and when requested to the county governing bodies, blanks of applications, reports, affidavits and such other forms as it may deem advisable. The State Department shall make rules and regulations necessary for the carrying out of the provisions of this Act to the end that old age pensions may be administered uniformly throughout the state, having regard for the varying costs of living in different parts of this state, and that the spirit and purpose of this Act may be complied with. All such rules and regulations made by the State Department shall be binding upon its agents and subordinates and all others charged by law with the administration of this Act in this State. Within 90 days after the close of each fiscal year, the State Department shall make a report to the Governor for such year, which shall include a full account of the administration of this Act, the expenditure of all funds hereunder, adequate statistics concerning old age pensions within the State, and such other information and recommendations as the State Department may deem advisable.

SECTION 16. The State of Alabama shall quarterly, upon requisition of the State Department, pay each county a sum in money equivalent to three-fourths of the amount estimated to be expended by the county during the ensuing three months for relief for each old age pensioner who has been granted relief under the provisions of this Act, increased or decreased, as the case may be, by any sum which for any prior quarter was greater or less than three-fourths of the amount actually expended by the county under the provisions of this Act. The funds for one-third of such payment shall be those arising from the one mill tax now devoted by law to the payment of the pensions provided for by Article I of Chapter 55, of the Code of Alabama of 1923, as amended, (Confederate Pensions) and remaining after the payment of all charges against said funds for the payment of said pensions as now provided for by Article I of Chapter 55, of the Code of

Alabama of 1923, as amended, (Confederate Pensions) which said Confederate Pensions, in their entirety, shall remain a prior, paramount and first charge against said funds, In the event, for any given year, said pension funds arising from said one mill tax shall prove insufficient, after paying the said Confederate Pensions, for one-third of such payment, then the payment by the State to the County herein provided for shall be made from such surplus and from such additional funds as the Legislature may from time to time provide; in the event said surplus and such other funds shall not be sufficient to make one-third of such reimbursement in full, then the same shall be paid to the several Counties of the State paying pensions hereunder in sums bearing such proportion to the whole surplus and other funds available to be divided, as the total due each County bears to the total due all counties. Two-thirds of such payment shall be made from Federal funds allotted to the State for old age assistance and received by the State from the United States.

SECTION 17. Any person entitled to any pension under Article I of Chapter 55 of the Code of Alabama of 1923, as amended, (Confederate Pensions) who may also be entitled to an old age pension under the terms of this Act, shall be required to make application for a pension as herein provided. Any pension actually received by any such person under the terms of this Act shall be deducted from the pension due such person under the provisions of said Article I of Chapter 55, of the Code of Alabama of 1923, as amended (Confederate Pensions). If any such person shall fail to make such application hereunder on or before March 1, 1936, the State Department shall as soon as practicable thereafter, make application on his behalf in the county wherein he resides, and such application shall thereupon be heard and passed upon as if filed by such person himself. Nothing herein contained however shall ever under any circumstances be construed or allowed to cause a Confederate Pensioner veteran or widow to receive less than he would, but for the passage of this Act.

SECTION 18. The funds allotted to the State by the Federal Social Security Board under Section 3 (a) (2) of Title I of the Social Security Act, or any Act amendatory thereof, and received by the State from the United States shall be used for the administration of this Act by the State Department and the County Departments and shall be apportioned by the State Department in the following manner: (1) one-half of such funds shall be apportioned to the State Department; (2) one-half of such funds shall be apportioned to the several County Departments in the proportion to the estimate of the County Board of the total sums to be expended by their counties for old age pensions in the next quarter, reduced or increased, as the case may be, in proportion

to any sum which the State Board finds that any County Board in its estimate for any prior quarter was greater or less than the amount actually paid in old age pensions. The State of Alabama shall pay to the County Departments the amounts so apportioned at such times and under such rules relative to such payment as may be prescribed by the State Department.

SECTION 19. Nothing in this Act contained shall be construed as prohibiting any person now an inmate of a public institution from applying for a pension hereunder. In the event an applicant for a pension hereunder is so physically incapacitated that it is necessary for him to be hospitalized, the County is authorized to make such arrangements as are necessary to secure such hospitalization, even though the amount to be expended exceeds the maximum pension allowable to the applicant hereunder, but the amount to be reimbursed the County by the State shall be computed as though the amount paid such pensioner did not exceed such maximum. The County may make contracts for this hospitalization with any public or private institution or person.

SECTION 20. There is hereby appropriated out of the funds in the State Treasury arising from the aforesaid one mill tax set apart for the payment of Confederate Pensions all the surplus and residue thereof after the payment in full of the said Confederate Pensions and other charges against said fund set out in Article I of Chapter 55 of the Code of Alabama of 1923, as amended, for the purposes and to be used and applied as herein directed, and there is hereby also appropriated any funds received by the State from the United States for old age assistance, to be used and applied as herein directed.

SECTION. 21. The total amount paid to the recipients of old age pensions under this Act shall be a lien upon the estates of such recipients. On the death of a person receiving assistance under this Act, or of the survivor of a married couple, both of whom were assisted, the total amount paid as assistance shall, subject to dower and homestead and personal property exemptions of a surviving widow, be allowed and deducted from the estate by the court having jurisdiction to settle the estate, and paid to the County, the State and the United States or their duly authorized representative in proportion to the amount of assistance furnished by each. The county governing body shall under rules of the State Department require as a condition to granting assistance in any case, that the applicant submit a properly acknowledged agreement to reimburse the State and the County for all assistance granted. In such agreement said applicant shall assign as collateral security or mortgage for said assistance such part of his property as the county governing body shall demand. At any time the county governing body may execute and file with the Probate Judge a certificate in form

to be prescribed by the State Department showing the amount of assistance paid to said person and when so filed the same shall be recorded by the Probate Judge; each said certificate shall constitute notice of a lien against the estate of said person. The Probate Judge shall keep a suitable record of such certificate without charging any fee therefor and enter therein an acknowledgement of satisfaction upon receipt of notice thereof from the county governing body. Where any recovery is had under the terms of this Act from the recipients of a pension hereunder before any distribution of such recovery is made to either the State or County one-half of such recovery shall be paid to the United States Government.

SECTION 22. If the county governing body shall deem it necessary it may with the consent of the State Department, require as a condition to the grant or continuance of assistance in any case, that all or any part of the property of the person applying for a pension hereunder be transferred to said county governing body. Such property shall be managed under rules and regulations of the State Department by said county governing body, which shall pay the net income thereof to such person; said county governing body shall have power to sell, lease or transfer such property or to defend or prosecute suits concerning it or to pay all just claims against it and to do all things necessary for the protection, preservation and management thereof. If the assistance to such person is discontinued during his lifetime the property thus transferred to the county governing body shall be returned to him subject to a lien on such property for such sums as may have been paid to him as assistance under this Act, or the remainder of such property after deducting therefrom the sums paid to him as assistance under this Act shall be returned to him. In the event of his death, the remainder of such property, after deducting therefrom the sum paid him as assistance under this Act, shall be considered as the property of the pensioner for proper administration proceedings. The county governing body shall execute and deliver all necessary instruments to give effect to this section. The County governing body shall make no charge for the management of any property held by it hereunder, except for compensation paid agent in accordance with the scale prevailing in similar private transactions. In the management of said property, the county governing board shall utilize the services, to the extent they are necessary, of agents designated by the owner of the property.

SECTION 23. The provisions of Sections 21 and 22 hereof shall not apply to any applicant hereunder who served in and was honorably discharged from the armed forces of the United States or of the Confederate States of America in the War Between the States, or who is the widow of any such person, and no claim for

restitution or reimbursement of any sum paid any such applicant shall ever be made against such applicant or his estate. No county governing body shall impose as a condition to a pension grant to any such applicant that the applicant shall assign, convey or transfer to the county any of his property as security for the retirement of any pension paid him hereunder.

SECTION 24. Any person qualified for and receiving a pension hereunder in any county in this state who removes to another county in the state shall be entitled to receive the pension theretofore granted to him from the county of his new residence after he has resided therein for one year, provided an agreement in writing has been entered into by and between the two counties concerned approving such transfer. In such event the county of first residence shall continue payment of the pension to such person for said one year period, and thereafter the second county shall pay the same.

SECTION 25. The fact that any clause, sentence, paragraph or section hereof may be declared unconstitutional by a court of competent jurisdiction shall not result in the remainder of the Act being abandoned or declared void, but the Legislature now declares it as its intention to enact such remaining parts independently of and notwithstanding the striking down of such unconstitutional part.

SECTION 26. In the event funds available for the payment of pensions by any county are not sufficient to pay all pensions in full, all pensions shall be paid in lesser amounts ratably and proportionately, so that the funds available shall be distributed among all pensioners in proportion to the amounts of their pensions. When State funds available for reimbursement of counties are not sufficient to meet all claims for reimbursement in full, said claims shall be paid in lesser amounts ratably and proportionately so that the funds available shall be distributed among all claimants for reimbursement in proportion to the amounts of their claims.

SECTION 27. This Act shall become effective upon its passage except that no pension shall be paid hereunder prior to that for the month of January, 1936. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. Fletcher offered the following amendment to said substitute to-wit:

Amend Senate Bill No. 397 by adding to subdivision (e) of Section 3, the following:

Provided, however, that where an applicant for a pension has an income of \$360.00 or more, annually, no pension shall be granted or allowed; provided, further, that in granting or allowing pensions the individual income of applicants for pension or pensioners must be taken into consideration, and in no event shall the combined

individual income and pension of such applicant or pensioner exceed \$360.00 annually, nor shall any pension or pensions to any family exceed \$360.00 annually.

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Fletcher	Parrish	Swift	Woodall
Glover	Riddle	Taylor	

—31

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 2.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Parrish	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall

—28

Nays:

Messrs.: Dorsey and Russell.

—2

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 230. Authorizing the Treasurer of the Talladega County Board of Education to pay the sum of \$774.95 to the Talladega National Bank for money heretofore advanced by said bank for the building of a school-house in said county; said funds to be paid out of any funds in the hands of said Treasurer, not otherwise appropriated, upon the order of said Board.

S. 351. To establish a budget system and provide for the preparation of a budget for each county and city school system in the state; to provide that the budgeted current expenditures shall not exceed the budgeted income of each such board of education; to provide that the actual payments shall not exceed the budgeted payments except on approval of the county or city board of education and of the State Superintendent of Education; to provide that the actual payments shall not exceed the actual income plus balances except in the issuance of warrants for capital outlay purposes; to authorize county and city boards of education to borrow funds against the current year's revenues when necessary to pay their current expenses; to regulate and restrict borrowing for capital outlay purposes, and to authorize and regulate the issuance of warrants or notes to pay debts incurred prior to July 1, 1935.

S. 350. To amend Section 4768 of the Code of Alabama of 1923.

S. 112. To regulate general contracting.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the forty-third Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the forty-third Legislative day approved by the Senate.

ADJOURNMENT

At 5:45 P. M., on motion of Mr. Fletcher, the Senate adjourned until tomorrow, August 27th, 1935, at ten A. M.

Yeas, 23; Nays, 5.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Stephens
Browder	Kuykendall	Rogers (Mobile)	Swift
Cook	Locke	Russell	Taylor
Dorsey	Mixon	St. John	Tucker
Fletcher	Mooneyham	Simpson	Weaver
Glover	Parrish	Starnes	

—23

Nays:

Messrs.:

Carlton	Thomas.	Walton	Woodall
Chesnut			

—5

FORTY-FOURTH DAY

Tuesday, August 27th, 1935.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Senator Webb Chesnut of Cherokee County.

ROLL CALL

Present:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Fletcher	Parrish	Swift	Woodall
Glover	Riddle	Taylor	

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JOURNAL

On motion of Mr. Rogers of Mobile, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Tucker:

S. 427. To continue the investigation of water resources of the State and to authorize the State Geologist to enter into contracts with the United States Government, or departments thereof, for cooperative action in collecting and publishing information and to make an appropriation therefor.

Committee on Finance and Taxation.

By Mr. Rogers (Mobile):

S. 428. To appropriate the sum of three hundred dollars (\$300.00) for the casting into bronze of six plaster plaques of Alabama historical characters.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rogers of Mobile:

S. 231. To amend an Act entitled "An Act to amend Section 10361 of the Code of Alabama of 1923," Approved July 28, 1927.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fletcher:

S. 426. To validate certain leases made to the State of Alabama in Baldwin and other counties, for the purpose of Geological Surveys and the development of the salt, oil, gas and other mineral resources of such lands and to authorize the Governor to transfer such leases.

By Mr. Carter:

H. 936. To Amend Schedule 67 of Article 13 Chapter 1 Section 348 of House Bill 324 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10th., 1935.

By Mr. Chichester:

H. 625. To make an appropriation for the support, maintenance and improvement of the Alabama Vocational School for Girls.

By Mr. Carter:

H. 937. To amend Schedule 155.4 of Section 348 of Article 13 Chapter 3 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10th, 1935.

By Mr. Walton:

S. 422. To Amend Section 1 of an Act entitled, "An Act to amend Sections 989, 992, 995, 1005, and 1007 of the Code of Alabama of 1923", approved February 5, 1935.

By Mr. Woodall:

S. 419. To amend Section 12 of Article 1 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

By Mr. Walton:

S. 338. To amend an Act entitled, "An Act to amend Section 4659 Core of Alabama 1923 (Approved April 20, 1933)".

By Mr. Walton:

S. 337. To amend Section 4626 of the Code of Alabama of 1923.

By Mr. Taylor (with amendment):

H. 896. To adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such act and to make an appropriation therefor.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without Recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Walton (by request):

S. 77. To provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical industries; to create a Commission for the administration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act.

Mr. Tucker, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable

report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Lee (Monroe):

H. 886. To authorize and provide a fund to be known as the "State Surety Insurance Fund" to be carried in the State Treasury for the purpose of insuring the State, counties and municipalities of the State of Alabama against loss from defalcation, misappropriation or other improper disposition of State, county or municipal funds; to establish a basis for the assessment and collection of the premiums from the State, counties, municipalities and individuals to be paid into the State Treasury, and to provide for a sinking fund with which to reimburse the State, counties and municipalities for any loss occasioned from the defalcation, misuse or misappropriation of State, county or municipal funds and to transfer from the State Insurance Fund, as it now exists, \$100,000.00 to the State Surety Insurance Fund as an emergency fund to be used only in case the losses sustained shall be in excess of premiums collected; and to authorize the State Board of Administration to administer said fund and to promulgate rules and regulations necessary for the proper administration of this Act; to provide for suit on such bonds and for the payment therein; and to provide for the execution of such bonds by the State Comptroller.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Todd (with substitute):

H. 491. To define, insure the proper sanitary rules, prevent the spreading of diseases, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barber's commission for said counties; and to provide a penalty for the violation of the provisions hereof:

By Mr. Chichester:

H. 175. To abolish the office of Deputy Circuit Clerk of the Criminal Division of the Circuit Court which was created by an Act entitled "An Act to create the office of Deputy Circuit Clerk of the Criminal Division of the Circuit Court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent Federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such Deputy Circuit Clerk," approved February 3rd, 1923;

to require that all duties, powers and acts pertaining to and required of such Deputy Circuit Clerk be performed by the Clerk of the Circuit Court of such counties, and to provide for the transfer of all books, records, documents, papers and moneys, in the possession of such Deputy Circuit Clerk collected from, or pertaining to, cases pending or disposed of in the Criminal Division of the Circuit Court to the Clerk of the Circuit Court of such counties, and to provide that such Deputy Circuit Clerk shall be Assistant Circuit Clerk and perform the duties of an assistant circuit clerk; to fix the duration of such duties and to provide the compensation for such services.

By Mr. Conner:

H. 581. To repeal an act entitled "An act to authorize the trustee in and for the Sixteenth Section in Township 17 South, Range 5 West of Huntsville Meridian in Jefferson County, Alabama, to sell said Sixteenth Section and to accept in payment therefor other or different land of equal monetary value, in said Township; provided, first, the sale negotiated by said trustee is confirmed by the Circuit Court of Jefferson County, Alabama, in Equity, after said court has ascertained the substantial equality of the respective monetary values of each tract; and provided further, that the existing lessee of said Sixteenth Section consent in writing to surrender all their rights, title and interests as lessees or otherwise in and to said Sixteenth Section, or consents to take in substitution for their existing rights as lessees a lease to such other different land, in said Township; and to substitute as the corpus of the trust estate under said Trustee, such other or different land as is acquired by said trustee in exchange for said Sixteenth Section". Approved August 12, 1927.

By Mr. Adams:

H. 595. To authorize and empower the County Board of Education, or other like body by whatsoever name it may be called, in all counties in this State having a population according to the last or any subsequent federal census in excess of 300,000 to employ from time to time a certified public accountant to audit the books of said body, and the books of the County Treasurer of School Funds or other custodian of School funds, and to pay for the services of such accountant out of public school funds, and to repeal all laws and parts of laws in conflict herewith.

By Mr. Welch (with notice and proof):

H. 810. To amend Section 2, 5 and 8 to make more certain the repeal of Section 9½ of An Act entitled "An Act to better provide for holding the Circuit Court of the Tenth Judicial Circuit at Bessemer, in and for the following portions of Jefferson County, towit: Williams Precinct No. 1, Jonesboro Precinct No. 2, Parsons Precinct No. 3, Aarons Precinct No. 4, Short Creek Pre-

cinct No. 5, Bethlehem Precinct No. 7, Meeks Precinct No. 24, Toadvine Precinct, No. 27, Bessemer Precinct No. 33, Gwins Precinct No. 35, Hueys Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53 and Brighton Precinct No. 55, to define the jurisdiction thereof, to provide for organizing and empaneling grand juries therefor and define the jurisdiction of said grand juries, to regulating the holding of said court at said place, and otherwise provide therefor", approved August 18th, 1919 said amendment operating to rearrange the territorial boundary lines of the jurisdiction of said court so held at Bessemer, and defining the boundary lines thereof by metes and bounds instead of precincts, and making more certain the elimination of Section 9½ therefrom. By Mr. Chichester (with notice and proof):

H. 725. To amend Sections 2, 4, 9, 10, 11, 17 and 18 of an Act of the Legislature approved September 10th, 1919 entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said Court, the judge, the clerk and other officers thereof; to provide for a place of holding said Court, terms and salaries of said Judge and Officers of said Court, the manner of their appointment and election and the payment of their salaries," (Local Acts 1919, p. 121) as amended by an Act of the Legislature approved February 9th, 1923, entitled "An Act to amend an Act entitled 'an Act to establish an Inferior Criminal Court of Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place of holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919; and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority; and to provide for the creation of an ex officio judge of said court, and to define his duties." (Local Acts 1923, p. 16) as amended by an Act of the Legislature approved September 19, 1923, entitled, "An Act to amend Section 10 of an Act entitled 'An Act to establish an Inferior Criminal Court of Jefferson County, Alabama; to define the jurisdiction and power of said court a judge, a clerk, and other officer thereof; to provide a place for holding said court; the terms, and salary of said Judge and officers of said court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919, and to provide for the increase of the salary of the Judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment

and authority, and to provide for the creation of an ex officio judge of said court, and to define his duties." (Local Acts 1923 p. 215) as amended by an Act of the Legislature approved July 21, 1931, entitled "An Act to amend an Act approved September 10th, 1919, entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said Court, the Judge, the Clerk and other officers thereof; to provide for a place of holding said Court, terms and salaries of said Judge and officers of said Court, the manner of their appointment and election and the payment of their salaries.'" (Local Acts 1919 page 121). And to Amend an Act of the Legislature approved February 9th, 1923, entitled 'An Act to amend an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and power of said Court; a judge, a clerk, and other officers thereof; to provide a place for holding said Court, the terms and salary of said Judge and officers of said Court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919, and to provide for the increase of the salary of the Judge and other officers of said Court, and to amend the provisions as to the Judges, Officers and Employees of said Court, their number, appointment and authority, and to provide for the creation of an ex officio judge of said court, and to define his duties. (Local Acts 1923, p 16). And to repeal an Act approved September 24th, 1923 entitled "An Act to create the office of first assistant clerk and ex officio judge of the Jefferson County Court of Misdemeanors; to define his duties, compensation and authority; to provide for his appointment and compensation, the equipment and location of his office and for the repeal of all laws in conflict with the provisions of this Act." (Local Acts 1923, page 231). And to repeal an Act approved August 25th, 1927, entitled 'An Act to further amend an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and power of said Court, the Judge, Clerk and other Officers thereof; to provide for the place of holding said Court terms and salaries of said Judge and Officers of said Court, the manner of their appointment and election, and the payment of their salaries,' approved September 10th, 1919, and the Act amending said Act approved February 9th, 1923, and to provide for the increase of the salary of the Judge and other Officers and Employees of said Court, and to amend the provisions as to the Judge, Officers and Employees of said Court, their number, appointment, authority and to provide for the creation and manner of appointment, duties and salary of an additional Judge of said Court, to be known as Supernumerary Judge.' (Local Acts 1927, page 260)," (Local Acts 1931, p. 250); to provide for the terms, qualifications, method of ap-

pointment, and salaries of temporary Judges of said Court; to provide a clerk for said Court, his duties, qualifications, method and condition of appointment, and compensation; to provide deputy clerks for said Court, their duties, method and condition of appointment, and compensation; to abolish the office of marshall of said Court and transfer the functions of said office to the office of the sheriff of said county; to provide a solicitor for said Court, his duties, qualifications, method and condition of appointment, and compensation.

By Mr. Connor (with notice and proof):

H. 739. To provide for the unification of the fiscal administration of Jefferson County; to create the office of County Comptroller of Jefferson County and provide the method of his selection; to define the duties and authority of such officer; to transfer to him the duties heretofore fixed by law for performance by the County Treasurer, the Tax Assessor, the Tax Collector and the Commissioner of Licenses of Jefferson County; to require said County Comptroller to perform certain duties now developing upon the Probate Judge of Jefferson County; to abolish the offices of County Treasurer, Tax Collector, Tax Assessor and Commissioner of Licenses of Jefferson County; to provide for a deputy County Comptroller at Bessemer; to provide said County Comptroller with necessary deputies, clerks and assistants; to provide for the oath of office and bond of said County Comptroller; to provide said County Comptroller with quarters and supplies and modern office equipment; to fix the compensation of said County Comptroller; and to provide for the continued employment of certain officers duly elected by the people.

By Mr. Adams:

H. 755. To provide and regulate in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal census the ownership, operation and maintenance of county passenger automobiles; to provide that such passenger automobiles shall be owned by such counties for the exclusive use of the sheriffs and their deputies; to provide for the disposition of other such automobiles; to provide that such sheriffs' and their deputies' cars be distinctively colored, and operated and maintained by written orders which are recorded in public books; and to provide that any violation of this Act shall constitute a misdemeanor.

By Mr. Connor:

H. 757. To provide and regulate in all cities in this State having a population of 200,000 or more according to the last or any subsequent Federal census the ownership, operation and maintenance of city passenger automobiles; to provide that such passenger automobiles shall be owned by such cities for the exclusive

use of the police and fire departments; to provide for the disposition of other such automobiles; to provide that such police and fire department automobiles be distinctively colored, and operated and maintained by written orders which are to be recorded in public books; and to provide that any violation of this Act shall constitute a misdemeanor.

By Mr. Adams (with notice and proof):

H. 787. To abolish the First Division of the Municipal Court of Birmingham upon the establishment of the Intermediate Civil Court of Birmingham and to provide for the transfer and disposition of the pending causes and judgments of the said First Division of the Municipal Court of Birmingham.

By Mr. Douglass:

H. 160. "To propose an Amendment to the Constitution of Alabama Authorizing each of the Three School Districts in Jefferson County known, respectively, as Shades Cahaba District No. 1, Jefferson District No. 2, and the School District composed of the City of Tarrant City, to Levy and Collect for Public School Purposes a Special District Tax not Exceeding Thirty Cents annually on each One Hundred Dollars' worth of Taxable Property in such Districts, respectively, in addition to all other Taxes now authorized by Law, when authorized by a Majority of the Qualified Electors of such School District voting at an Election called for that Purpose; to Order an Election by the qualified Electors of the State upon such Proposed Amendment; and to Provide for the holding of Elections to Authorize the Levy and Collection of such Taxes, and to Provide for the Levy and Collection of such Taxes.

The above bill was read a second time at length as required by the Constitution.

By Mr. Owen (Etowah) (with notice and proof):

H. 773. To allow the Register in Chancery of the Circuit Court of Etowah County, Alabama, a clerk; to provide for the appointment and tenure of office of said clerk; to fix the salary of said clerk and to make the same payable out of the general funds of Etowah County in monthly installments; to provide that the Board of Revenue may discontinue and re-instate said allowance from time to time.

By Mr. Lusk:

H. 833. To permit the governing body of any municipality in this State having a population of not less than 24,000 nor over 60,000, according to the last or any succeeding Federal census, to levy a license tax of three-fourths of one cent per gallon on all gasoline or other motor fuels sold in such municipality and pledge the same to secure bonds or other obligations hereafter issued for building and equipping school buildings therein.

By Mr. Glover and Parrish (with notice and proof):

H. 431. To require all county officials of Henry County, Alabama, to pay the premiums on their official bonds and to make it unlawful to make the premiums of such official bonds a charge against the County and payable out of the County Treasury.

By Mr. Hare (with amendment):

H. 856. To relieve Tax Assessors in all Counties in Alabama which now have, or which may hereafter have a population of not less than fifty-four thousand and not more than sixty four thousand two hundred according to the last Federal Census, or any such census which may be taken hereafter, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as a permanent record and prepare Tax Collectors Abstracts from said assessment lists.

By Mr. Byars:

H. 963. To propose an amendment to the Constitution of Alabama permitting certain school districts in Lawrence County, Alabama, to levy and collect for school purposes a tax of three mills in addition to all taxes now authorized.

The above bill was read a second time at length as required by the Constitution.

By Mr. Byars:

H. 499. To submit to the qualified electors of Alabama an amendment to the Constitution of Alabama authorizing Lawrence County to increase its indebtedness in a sum not exceeding \$130,000 in addition to that now authorized, for the purpose of constructing and equipping a courthouse; authorizing the issuance and sale of bonds therefor; authorizing the levy and collection of taxes on all taxable property in Lawrence County at a rate not exceeding 3 mills to pay said indebtedness; to provide that said levy and collection of taxes for said purpose shall not be continued for a period of more than 25 years from the date of the levy thereof.

The above bill was read a second time at length as required by the Constitution.

By Mr. Owen (Etowah):

H. 868. To provide that all cities in this State having a population of not less than 24,000 and not more than 40,000 according to the last or any future Federal census may levy a license tax of not exceeding TWO CENTS per gallon on all gasoline or other motor fuel sold in such city.

By Mr. Staples:

H. 330. To designate the time, each year, when the Board of Registrars shall sit for the purpose of registering voters, purging the registration list, and hearing objections to names being

stricken from the registration list, in all counties in this state which may now or hereafter have a population of not less than 100,000 nor more than 300,000 according to the last or any succeeding Federal census; to provide that said sessions shall be in lieu of all other sessions now authorized by law; to provide that the partial invalidity of this act shall not affect the remainder hereof; to repeal all laws or parts of laws in conflict herewith; and to provide when this act shall become effective.

By Mr. Staples:

H. 331. To submit to the qualified voters of this state, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, for their consideration an amendment to the Constitution of the State empowering the Legislature to authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing at the time of the ratification of such amendment to the Constitution: Providing for the adoption of an annual budget for Mobile County; providing that the expenses of such County for any fiscal year shall not exceed the revenues of the County for that year, and providing that all debts contracted or liabilities incurred by the said County in excess of such revenues shall be void; providing that the governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such county for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the county for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the county subsequently collected for that year, and that any loan so made and not paid out of the general revenues of the county pledged to secure the same shall be void as to any amount remaining unpaid; providing that the Legislature shall not, after the adoption of such amendment, pass any law making any claim a preferred claim against said county, and annulling as to any future claim all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said county: and providing penalties for the violation of any of the provisions of such amendment."

The above bill was read a second time at length as required by the Constitution.

By Mr. Owen (Etowah):

H. 814. To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature an amendment to the Constitution of the State of Alabama, continuing the amount of taxes which may be levied by the Governing Body of the Municipality of Attalla, Alabama.

The above bill was read a second time at length as required by the Constitution.

By Mr. Bulger (with notice and proof):

H. 883. To amend Sections 1 and 2 of an act approved July 17, 1931, entitled an act.

To provide and require that the Sheriff of Tallapoosa County, Alabama, shall appoint and maintain a regular Deputy Sheriff at each of the following places in said county, to-wit: Dadeville, Alexander City and Tallassee. To prescribe the duties of such deputies and to provide for their compensation and the payment thereof by said county, and to fix the amount of such compensation.

By Mr. Russell:

S. 423. To provide for additional duties and additional compensation to members of the Courts of County Revenues, Commissioners Courts and Boards of Revenue in all counties in the State of Alabama where the taxable property in the county is now or hereafter may be assessed for at least \$16,000,000.00 except as provided by local legislation.

By Mr. Adams (with amendment) (with notice and proof):

H. 788. To establish an Inferior court of record to be called the Intermediate Civil Court of Birmingham; to define the jurisdiction and powers of said court and the officers thereof; to provide for the election or appointment of the judge, clerk and other officers of said court; to fix the terms or tenures of office of the officers of said court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said court and fix the method of service of all processes therefrom; to create and designate the officials to serve processes issued by said court and provide compensation therefor; to designate the officers of said court and define their duties and the duties of other officials with respect to said court; and to provide for appeals from said court and regulate the manner of taking same.

By Mr. Douglass (with amendment):

H. 518. To create in all cities of the State of Alabama, which have a population of as much as two hundred thousand people ac-

ording to the last Federal Census, or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and the relief fund in connection with the regularly organized and paid fire departments of such cities; to provide for the organization of such board of trustees; to designate certain members of the said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to continue as trustees the members of such board as now exist under existing laws during the terms for which they have been elected, same to be trustees under this act in their respective cities which are governed by this act and where this law applies; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department and the widows, minor children and dependent widowed mothers of such disabled and retired members; and to continue benefits and relief under this law to such as are receiving same under existing laws in such cities as are governed by this law; to declare the said Board of Trustees the trustees of such fund, to provide for the use, management and control of such fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into such funds of the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for sworn statements to be made to the Treasurer or Comptroller of such cities by all persons, firms or corporations which conduct a fire insurance agency or brokerage business within such cities, and to prescribe the penalty for failure to make and file such statements, and for enforcing such penalty; to provide for the payment into such fund dues to be collected from property owners who carry no fire insurance but who carry or set aside a reserve fund against loss or damage by fire or who carry insurance in or with fire insurance companies not authorized to do business in the State of Alabama, to provide for verified statements to be made by such property owners to the Commissioner of Insurance, to provide for the collection of such dues, and to prescribe the penalty for failure to make such payment and/or verified statement, and for enforcing such penalty; to provide for the payment into such fund of a portion of the

monthly salary of each member of such fire department; to authorize and empower such cities to pay into such fund a part of the revenue received from licenses issued by such cities; to transfer and convert into the respective Firemen's Pension and Relief funds as created and provided in this Act the respective funds and moneys and properties constituting Firemen's Pension and Relief funds as are existing respectively under existing laws in Alabama in the cities which shall come under and be governed by the provisions of this Act; and to provide for the administration and use of same; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment of One Hundred (\$100.00) Dollars out of such funds, upon the death of an active or retired member of such fire department, to the beneficiary of such deceased member; to provide for fixing the status of paid members of the fire department of any City, Town, Suburb, or Settlement which may be annexed or become a part of Cities which shall come under and be governed by the provisions of this Act, relative to the retention of such paid members, and the granting of pensions and relief privileges to them; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the City Attorney and City Physician in connection with the said Board of Trustees and the said fund; to provide for medical examination and diagnosis of the physical or mental condition of sick or disabled members of such fire department; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits of said fund from levy; to provide the time of taking effect of this Act. By Mr. Glover and Parrish (with notice and proof) (with substitute):

H. 578. To amend sections 2, 3 and 5 of an Act, Entitled an Act, to create the office of County Road Supervisor for Henry County, Alabama, (H-536) approved November 4th., 1932, so as to further regulate and prescribe the powers, authority and duties of said Road Supervisor; to further prescribe the manner or mode of his election and/or appointment; and the election and/or appointment of his successor; to further prescribe and fix his term of office and to fix his salary; and to fix penalties for the violation of this Act.

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Chesnut:

S. 424. To Amend Sections 94, 108-113, inclusive, 133, 182, 277, 281, 290, and 472 of the Alabama School Code of 1927.

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Connor:

H. 782. To require officers and employees of counties, cities and towns in Alabama to present itemized statements of expenses incurred while traveling and/or remaining beyond the limits of counties and municipalities while engaged in business incidental to the management or control of the affairs of the counties and municipalities and to prohibit the allowance and payment of such expenses unless itemized and approved; and to provide penalties for the violation of this Act.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 325. To provide for the extension of the county three mill and county one mill school taxes by the legally qualified voters of a county where such taxes have already expired or will expire before October 1, 1950, to enable the superintendent and board of education to be in better position to take advantage of Federal funds which have been or may be made available for the construction, addition to, alteration, repair, or renovation of needed school buildings, and to provide the term of extension of such taxes as have not expired, and to legalize taxes already voted.

S. 327. In the interest of economy in the operation of the public schools of the State of Alabama, to authorize county and city boards of education to take steps to refinance warrants or other obligations outstanding for school purposes carrying an interest rate in excess of four and one-half (4½) per cent.

S. 336. To amend the caption and Section 1, Section 2, Paragraph (d), Section 3, Section 6, Section 9, Section 11 and Section 16 of an Act entitled, "An Act to authorize the creation of the Rural Electrification Authority of Alabama for the purpose of promoting and encouraging the fullest possible use of electric energy in the State by making electric energy available to certain inhabitants of the State at the lowest cost consistent with sound economy and prudent management; authorizing the Authority to

sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation, transmission and distribution of electric energy to carry out the purposes of this Act; providing for the rights, powers and duties of the Authority; authorizing and regulating the issuance of bonds by the Authority; and providing for the payment of such bonds and the rights of the holders thereof, approved February 7, 1935.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Connor:

H. 756. A Bill to be Entitled An Act To submit to the qualified voters of the State at the _____ election to be held on _____ for their consideration, an amendment to the Constitution of the State of Alabama, to be known as Section Two and Section Three of Amendment Number II, so as to authorize and empower the Legislature from time to time by general or local laws to change, merge, alter, consolidate, or abolish county officers or the functions of office in Jefferson County, and to authorize the Legislature to create new or different officers to perform the services hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolished, and to authorize the Legislature by general or local laws to revise and change the existing laws relating to the assessment or collection of taxes or other revenue in Jefferson County.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely: "Amendment to Constitution by the Addition of Sections Two and Three of Amendment Number II: (2) The Legislature of Alabama may hereinafter from time to time by general or local laws change, merge, alter, consolidate, or abolish county officers or the functions of office in Jefferson County, and the

Legislature may create new or different officers to perform the services hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolished. (3) And the Legislature by general or local laws may revise and change the existing laws relating to the assessment or collection of taxes or other revenues in Jefferson County.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the state at least eight successive weeks next preceding the general election in November, 1936 of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That on_____ an election shall be held for the vote of the qualified electors of the State upon the proposed amendment. Upon the ballots used at such election shall be printed the following, namely: "Amendment to Constitution by the Addition of Sections Two and Three to Amendment Number II. (2) The Legislature of Alabama may hereafter from time to time by general or local laws change, merge, alter, consolidate or abolish county officers or the functions of office in Jefferson County, and the Legislature may create new or different officers to perform the services hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolished. (3) And the Legislature by general or local laws may revise and change the existing laws relating to the assessment or collection of revenue in Jefferson County for the purpose of increasing the efficiency or lowering the cost of such collections." Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire.

Section 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of the State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once at length and referred to appropriate Standing Committee as follows:

H. 756, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Chichester:

H. 217. To amend Article 2, Section 6270 of the general acts of Alabama for 1927 by adding subdivision fifty-one, and making it read as follows: Article 2, Section 6270 (51) That each and every motor vehicle operated upon the city streets and public highways of Alabama shall keep attached and plainly visible at all times, a license tag as prescribed and furnished by the State Tax Commission, on the front and on the rear of each motor vehicle operated in Alabama; and to provide punishment for failure to comply with this subdivision of this section.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House Bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 217, to the Committee on Public Roads and Highways.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Owen (Etowah):

H. 496. An Act to amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 496, to the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Lee (Monroe):

H. 966. To better secure the administration of the financial affairs of Monroe County, Alabama, and for that purpose and to that end to vest in the Board of Revenue of said county more efficient power and control over all public funds that may now or hereafter be under its management and control; to limit its power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such board until the cash is available for their payment; to provide for a record of the financial status of the county; to provide that all temporary loans procured for enabling the county to meet its current obligations shall mature during the fiscal year in which they are made and shall be payable out of income for such year; to provide that this Act shall be effective on and after the first day of October 1935; and to repeal all laws in conflict with the Act.

With notice and proof thereto attached and herewith exhibited as follows:

PUBLISHER'S AFFIDAVIT

State of Alabama, }
Monroe County. }

Before me, M. I. Dees, a Notary Public in and for said County in said State personally appeared E. M. Salter, who is known to me, and who, being duly sworn, deposes and says:

That he is Business Manager of The Monroe Journal Company, publisher of The Monroe Journal, a newspaper published weekly at Monroeville, in Monroe County, Alabama, and that the following notice, to-wit:

NOTICE OF LOCAL BILL

Notice is hereby given that there will be introduced and proposed for passage by the Legislature of Alabama at its regular session of 1935 a local Bill for Monroe County, to be known as the Monroe County Financial Control Act.

The primary purposes of said Act shall be to vest in the Board of Revenue of Monroe County more efficient power and control over all public

funds that may now or hereafter be under their management and control; and to limit the authority of said Board of Revenue to approve and pay claims against said County for current operating expenses in any fiscal year to the income of such year available for such purposes.

In order to make more effective such handling and control of the funds of said County, said Board of Revenue shall be authorized by the terms of said Act to refund all outstanding claims, warrants and other general obligations outstanding at the time the proposed Act becomes effective, other than bonded indebtedness, and to provide for the payment of such refunding warrants or certificates of indebtedness, together with interest thereon as specified in said Act, over a period not exceeding twenty years.

Incident to the management and control of the finances of said County as proposed by said Act said Board of Revenue shall be required at some meeting in September of each calendar year, or not later than its first meeting in October following, to prepare and adopt an estimate of the income of the county for the fiscal year beginning on October first of the current calendar year, for the general fund of said county, and for the various special funds under its supervision and control; and to estimate for the same fiscal year the expenses of operations, and to make appropriations for the various purposes the respective amount that are to be used during said year for each of such purposes; but the appropriations so made shall not exceed the estimated total income available for such appropriation.

The Bill shall also require that all officers of said county who handle any income, or who issue any kind of warrant or order payable out of the county treasury without the approval of said Board of Revenue, to furnish the Board of Revenue in writing an estimate of such income and of the probable amount of warrants or orders they will be called upon to issue during such fiscal year.

Said Act shall provide that warrants issued for the purpose of refunding obligations outstanding on the effective date of said Act may be made to mature annually over a period not exceeding twenty years, the interest thereon also to be paid annually; and the annual maturities of such principal and interest shall be deemed and considered the current obligation of the county for the year in which they mature, and payment thereof shall be provided for and made out of the income for such fiscal year.

Said Act shall also provide that the Board of Revenue shall have authority to make special levies of ad valorem taxes out of the Constitutional allowance for general purposes, such levies to be made for such purposes as said Board of Revenue may specify, and the proceeds of such levies to be used only for the specified purposes; provided, however, that when it has been found that the proceeds of any such special levy is more than required for the purpose for which it was levied, then said Board of Revenue may transfer such excess amount to the general fund available for payment of general obligations of said county.

Said Act shall provide that any unexpended balances to the credit of any fund set up or provided under the authority of this Act at the end of any fiscal year may be transferred to any other fund set up by the Board hereunder, and expended under the direction of said Board, or may go forward to the following year as a part of the general income available for appropriation and expenditure during said year.

Said Act shall provide that no warrant or order for money shall be issued in pursuance of the authority of the Board of Revenue until the cash is available for its payment upon presentation to the Treasurer or depository.

It shall also provide that the Board of Revenue shall provide by appropriation funds for paying warrants or orders drawn by other county officials

in pursuance of law, which said warrants or orders are not required by law to be approved and authorized by the Board of Revenue.

Said Act shall provide that the Board of Revenue shall keep a record of the financial status of the county, which said record shall be available to the public at all reasonable times for examination and information. This record shall be kept up to date at all times and reflect the true status of all outstanding obligations of the county and the estimated income for the current fiscal year; also the record of warrants issued during the current year against such estimated income. Provided that warrants or orders issued by officers authorized to issue them without the approval and authority of the Board of Revenue shall report to the Probate Judge or other officer keeping said record at least once each month all warrants or orders issued by such officers; and the said county record shall then be written up, including the warrants or orders so issued.

Said Act shall provide that the Board of Revenue shall issue refunding warrants in an amount sufficient to cover all warrants outstanding at the time the Act goes into effect, except those payable out of some special fund, and for which there is no money available at that time to pay. Such refunding warrants may be sold at not less than par and the money used to pay the owners of old warrants, or they may be exchanged for old warrants upon any practicable plan such Board of Revenue may provide; but such refunding warrants shall not be issued for an amount greater than the outstanding warrants, plus any interest that may have legally accrued on such old warrants as bear interest themselves.

Such refunding warrants shall be issued under the provisions of law now in force, except that they may be made to mature annually over a period not exceeding twenty years.

In the issuance of such refunding warrants care shall be exercised to avoid any favoritism in the matter of maturities.

The Board of Revenue shall by notice published in some newspaper published in Monroe County call in for registration for this particular refunding purpose all warrants and certificates of indebtedness payable out of the general fund, or special funds subject to the provisions of this Act, other than bonds and special obligations for which funds have been provided, which remain unpaid at the time this Act becomes effective. Such warrants and certificates shall be filed with the County Treasurer, or with such other bonded officer as the Board of Revenue may designate in said notice; the notice to be published for eight consecutive weeks. The Act shall provide that all such warrants or certificates shall be deposited within three months after the Act becomes effective.

Such warrants and certificates shall be held by such officer for the purpose of surrender to the proper authority, and shall be surrendered in exchange for cash or for refunding warrants as contemplated by this Act, according to the provisions made therefor by the Board of Revenue. Such officer shall then make prompt settlement with the owners of the warrants in cash, or by surrendering new refunding warrants, according to whatever method is fixed by the Board of Revenue.

This Act shall not apply to county bonds now outstanding or that may be hereafter issued under authority of law; and the provisions of the Act shall not apply to public school funds administered by the County Board of Education; said Act shall also make ample provision for the Board of Revenue to provide funds for the payment of obligations that may accrue in the future on account of any emergency conditions which could not reasonably be anticipated by the Board of Revenue and over which said Board of Revenue has no control; permission for borrowing funds for such purpose and the re-

payment thereof over a period of years to be specially provided for by said Act.

This said Act shall provide that the Board of Revenue may pay reasonable compensation to the officer or person it designates to keep the financial record herein provided for.

The Act shall further provide that the Act itself is to be interpreted as severable and in the event any section, clause or sentence of the Act should be held to be unconstitutional it shall not affect the validity of any part of the remainder of the Act; and it shall provide that all laws in conflict with the provisions of the Act are by this Act repealed.

The Act shall further provide that it be effective on and after the first day of October, 1935.

The said Act may contain any additional provisions incident or necessary to the accomplishment of the purposes of said Act as specifically set out in this notice.

Said Act shall further provide that all county officers who by law are authorized to purchase office supplies for their respective offices, and who are entitled by law to pay for what is known as ex officio services, shall, before the annual budget is made up and adopted, file with said Board of Revenue an estimate of their respective requirements for the following fiscal year, both as to office supplies and as to pay for ex officio services allowed by law; and said Board of Revenue shall have authority to examine into and pass upon such estimates. And such officers shall be limited in their purchases and in their remuneration for ex officio services, to the respective amounts allowed therefor by said Board of Revenue.

was published in said newspaper once a week for 4 successive weeks, said notice appearing in the following issues: June 20, 1935 to July 11, 1935, inclusive.

E. M. Salter.

Sworn to and subscribed before me this 13 day of Aug. 1935.

M. I. Dees,

(Seal)

Notary Public, Monroe County, Ala.

Also:

By Mr. Livingston:

H. 969. To require fifteen percent of the total funds received by Cherokee County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels, to be used for the purpose of paying interest on and establishing a sinking fund for the retirement of the \$95,000.00 in bonds of said county, issued for the purpose of constructing public roads in said county, authorized by an election held on April 2, 1923, requiring the county treasurer of said county to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof, with said funds, providing that on final payment and retirement of said bonds, all such funds received by said County from the said gasoline taxes, or taxes on other motor fuels, shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the following Local Bill will be introduced at the present session of the Legislature of Alabama, viz:

A BILL TO BE ENTITLED AN ACT

To require fifteen percent of the total funds received by Cherokee County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels to be used for the purpose of paying interest on and establishing a sinking fund for the retirement of the \$95,000.00 in bonds of said County, issued for the purpose of constructing public roads in said County, authorized by an election held on April 2, 1923, requiring the County Treasurer of said County to set aside said funds for said purpose; authorizing the Commissioners Court of said County to purchase and retire before maturity said bonds or any portion thereof, with said funds, providing that on final payment and retirement of said bonds, all such funds received by said County from the said gasoline taxes or taxes on other motor fuels, shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect.

Be it enacted by the Legislature of Alabama:

Section 1. That fifteen percent of the total funds received by Cherokee County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels, shall be used for the purpose of paying interest on and establishing a sinking fund for the retirement of the \$95,000.00 in bonds of said County, which are now outstanding, and which were issued for the purpose of constructing public roads in said County, authorized by an election held April 2, 1923.

Section 2. That the County Treasurer shall, upon receipt of any such funds, immediately set aside said fifteen percent thereof in a special fund to be used for paying interest on and the retirement of said bonds, and which said funds so set aside shall not be used for any other purpose.

Section 3. The Commissioners Court of said County may from time to time, as the funds so set aside and accumulated may justify, purchase and retire before maturity said bonds, or any portion thereof, with said funds.

Section 4. That upon final payment and retirement of said bonds, all such funds received by Cherokee County from the said tax described in Section 1 hereof shall be used as provided by the general laws of Alabama.

Section 5. That the provisions of this Act shall take effect on February 1, 1936.

STATE OF ALABAMA, }
CHEROKEE COUNTY. }

Before me, Hugh Reed, Jr., a Notary Public in and for said County and State, personally appeared T. H. Shropshire, who, being by me first duly sworn, deposes and says; That he is Editor and Business Manager of The Coosa River News, a newspaper published at Centre, in said County and State, and that the Notice, a true copy of which is hereto attached, was published in said paper for four consecutive weeks, commencing on July 26, 1935.

Given under my hand this 17th day of August, 1935.

T. H. Shropshire,
Editor and Business Manager.

Subscribed and sworn to before me this the 17th day of August, 1935.

Hugh Reed, Jr.,
Notary Public.

Also:

By Mr. Livingston:

H. 970. To relieve the Tax Assessor of Cherokee County from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order, according to beats, the original assessment lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the following Local Bill will be introduced at the present session of the Legislature of Alabama, viz:

A BILL TO BE ENTITLED AN ACT

To relieve the Tax Assessor of Cherokee County from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order, according to Beats, the original assessment lists and have same permanently bound and kept as permanent record and prepare Tax Collector's abstracts from said assessment lists.

Be it enacted by the Legislature of Alabama:

Section 1. That the Tax Assessor of Cherokee County, Alabama, shall not be required to prepare the book of assessments, but in lieu thereof shall be required to arrange in alphabetical order, according to Beats, original assessment lists and cause the same to be permanently bound and such assessment lists when bound shall constitute the book of assessments to all intents and purposes. Such assessment lists when bound shall be preserved permanently as a matter of record, and provided that in making the Collector's abstracts such abstracts shall be made direct from the assessment lists.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act, whether general, local or special, be and the same are hereby repealed.

Section 3. That this Act shall be effective on its approval by the Governor.

STATE OF ALABAMA, }
CHEROKEE COUNTY. }

Before me, Hugh Reed, Jr., a Notary Public in and for said County and State, personally appeared T. H. Shropshire, who, being by me first duly sworn, deposes and says; That he is Editor and Business Manager of The Roosa River News, a newspaper published at Centre, in said County and State, and that the Notice, a true copy of which is hereto attached, was published in said paper for four consecutive weeks, commencing on July 26, 1935.

Given under my hand this 17th day of August, 1935.

T. H. Shropshire,
Editor and Business Manager.

Subscribed and sworn to before me this the 17th day of August, 1935.

Hugh Reed, Jr.,
Notary Public.

Also:

By Mr. Welch:

H. 974. To Provide for the appointment of a Special Court Reporter for the Taking Down and Transcribing of Testimony taken ore tenus in Equity Cases in the Circuit Court in Judicial Circuits in the State of Alabama which do not Include more Counties than one, and when that County has a Population of 300,000 or more, according to the last or any future Federal Census; to Provide for his Tenure of Office, his Duties, and his Compensation; and to Further Provide for the Cost of his Services to be Taxed as a Part of the Costs of Court, and when Collected to be Paid by the Register in Chancery to such Special Court Reporter.

Also:

By Mr. Staples:

H. 977. To prohibit the removing of fish of any kind from Perch Creek in Mobile County for a period of three years, and to provide penalties for violations of this act.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that application will be made to the present session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED AN ACT

To prohibit the removing of fish of any kind from Perch Creek in Mobile County for a period of three years, and to provide penalties for violations of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person, firm or corporation to remove in any manner whatsoever any fish of any kind from Perch Creek in Mobile County for a period of three years from the date that this Act becomes effective.

Section 2. Perch Creek as herein described is that body of water flowing into Dog River on the North side thereof near its mouth, and all being in Mobile County, Alabama.

Section 3. Any violation of this Act shall constitute a misdemeanor.

Section 4. This Act shall become effective immediately upon its passage.

STATE OF ALABAMA, }
MOBILE COUNTY. }

I, Sidney Berry, the Editor of the Mobile Post, do hereby certify that the Mobile Post is a newspaper of general circulation in Mobile County, and that the attached advertisement appeared in said newspaper in its issues of July 26, August 2, August 9, and August 16, 1935.

Sidney Berry.

Subscribed and sworn to before me this 17th day of August, 1935.

George F. Sossaman,

Notary Public, Mobile County, Alabama.

Also:

By Mr. McDermott:

H. 978. To provide for the appointment of an Assistant to the Deputy Clerk in charge of the Criminal Division of the Circuit Court of Mobile County. To prescribe the duties and fix the compensation and salary of such Assistant Clerk.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present session of the Legislature of Alabama, a Bill will be introduced and an effort made to have the same enacted into law, which Bill will provide in substance as follows:

Be It Enacted By The Legislature Of Alabama:

Section 1. That immediately after the passage of this Act the Clerk of the Circuit Court of Mobile County, shall, subject to removal at will of the said Clerk of said Circuit Court, appoint an Assistant to the Deputy Clerk in charge of the Criminal Division of said Circuit Court. The said Assistant Clerk shall possess all the powers and authority now or hereafter possessed by law by the said Deputy Clerk in charge of the Criminal Division of said Circuit Court.

Section 2. The said Assistant Clerk shall receive as compensation for services the sum of Fifteen Hundred (\$1500.00) Dollars annually, payable in equal monthly installments out of the County Treasury of Mobile County.

Section 3. This Act shall be effective upon the approval by the Governor, and all laws or parts of laws, general, local or special in conflict herewith are hereby expressly repealed.

J. G. McDonnell, being sworn, says that he is Clerk of The Mobile Press and The Mobile Register; daily newspapers printed and published in the city and county of Mobile, state of Alabama; and that the attached notice appeared in the issues of The Mobile Press July 20-27, Aug. 3-10, 1935.

J. G. McDonnell.

Sworn to and subscribed before me this 16th day of August, 1935.

(Seal)

Carl M. Smith,
Notary Public.

Also:

By Mr. Hanks:

H. 982. For The Relief of F. W. McLane, Of Talladega County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the following bill will be introduced in the present session of the Legislature of Alabama:

AN ACT

For The Relief Of F. W. McLane, Of Talladega County, Alabama.

Whereas, on or about August 2, 1934 F. W. McLane was required to pay, and did pay to the office of the Judge of Probate of Talladega county, Alabama, the sum of Seven Hundred Forty and 17.100 (\$740.17) Dollars to redeem his house and lot occupied by him as a homestead from a sale made

to the state for taxes assessed against it for the year 1926, and the payment of interest and taxes for subsequent years, and

Whereas, said amount required to be so paid was erroneous and excessive in the amount of \$246.72, said tax sale and the tax for subsequent years, being erroneously based upon an assessed value of said property in the amount of \$3,000.00, whereas the correct assessed value of said property as shown by the records of the Tax Assessor for Talladega county, Alabama, for said year 1926 was \$2,000.00, and

Whereas, said F. W. McLane is entitled to reimbursement from the following funds of the excess erroneously collected from him, the same having been paid by said Judge of Probate into said following funds, to-wit: State Treasurer General Fund \$76.34; County of Talladega Treasurer General Fund \$86.88; County School General Fund \$46.44; District School of Talladega District No. 19, \$34.81;

Therefore be it enacted by the Legislature of Alabama:

Section 1. That the Court of County Commissioners of Talladega County, Alabama, are hereby authorized, directed and required to cause to be paid said F. W. McLane as reimbursement for said excess taxes erroneously collected the sum of \$86.88, and the County Board of Education of Talladega County, Alabama is hereby authorized and directed and required to cause to be paid to the said F. W. McLane \$46.44 from the County School General Fund, and the Board of Education or the city of Talladega, Alabama, is hereby authorized, directed and required to cause to be paid to the said F. W. McLane the sum of \$34.81 from Talladega School District No. 19 Fund, and the State Comptroller of the State of Alabama is hereby empowered, authorized and directed to draw a warrant in favor of the said F. W. McLane on the State Treasurer in the amount of \$76.34, the payment by the State to be from any funds in the treasury of the state not otherwise appropriated, and said payment by the County to be from the General Fund of the County, and payment by said County Board of Education and said City Board of Education to be from said respective school funds.

Section 2. This Act shall take effect immediately upon its approval by the Governor.

THE STATE OF ALABAMA, }
TALLADEGA COUNTY. }

Personally appeared before me, a Notary Public in and for said County, Tom R. Williams, who being duly sworn according to law, deposes and says that he is the Manager of the Talladega Daily Home a newspaper published in said County, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for 4 weeks consecutively, to-wit, in the issues hereof dated as follows: July 25, 1935, August 1, 1935, August 8, 1935, August 15, 1935.

Tom R. Williams.
Printer's Fee, \$20.93.

Subscribed and sworn to before me this 16 day of Aug. 1935.

(Seal)

A. D. Bell,
Notary Public.

Also:

By Mr. Dominick:

H. 1000. To authorize and direct the Board of Revenue of Tuscaloosa County, Alabama, to pay for advertising the notice and substance of local bills, to be introduced in the Legislature for said County, out of any money in the Treasury of Tuscaloosa

County not otherwise appropriated, when the bill applies to the entire county and the notice is signed by all the Tuscaloosa County Representatives and also by the State Senator from the Eleventh Senatorial District, and this act shall apply to and include the notice and substance of Bills advertised prior to and during the present session of the Legislature.

With notice and proof thereto attached and herewith exhibited as follows:

A NOTICE

Notice is hereby given that application will be made to the present regular session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED AN ACT

To authorize and direct the Board of Revenue of Tuscaloosa County, Alabama, to pay for advertising the notice and substance of local bills, to be introduced in the Legislature for said County, out of any money in the Treasury of Tuscaloosa County not otherwise appropriated, when the bill applies to the entire County and the notice is signed by all the Tuscaloosa County Representatives and also by the State Senator from the Eleventh Senatorial District, and this Act shall apply to and include the notice and substance of bills advertised prior to and during the present session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue of Tuscaloosa County, Alabama, be and it is hereby authorized and directed to pay for advertising the notice and substance of local bills, to be introduced in the Legislature for said County, out of the money in the treasury of Tuscaloosa County not otherwise appropriated, whenever and only when said notice is signed by all the representatives in the Legislature from Tuscaloosa County, Alabama, and also by the State Senator from the Eleventh Senatorial District, and this Act shall apply to and include the notice and substance of bills advertised prior to and during the present session of the Legislature. This Act shall apply to local bills that apply to the entire county of Tuscaloosa.

Section 2. All laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 3. That this Act shall take effect and become a law immediately upon its passage and approval by the Governor.

Signed: Hayse Tucker, J. C. Austin, Aubrey Dominick.

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz, July 29, Aug. 5, 12, 19, 1935.

Bruce Shelton,
Publisher.

Subscribed and sworn to before me on this the 19th day of August, 1935.

(Seal)

Lilla Collins,
Notary Public.

Also:

By Mr. Moore:

H. 988. To relieve all persons in Bibb County, Alabama, of and from any and all legal obligation to work on the public roads in Bibb County, Alabama and to prohibit the levying and collection of a per capita road tax in Bibb County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

A NOTICE

Notice is hereby given that application will be made to the present regular session of the Legislature of Alabama for the passage of the following bill:

A BILL TO BE ENTITLED AN ACT

To relieve all persons in Bibb County, Alabama, of and from any and all legal obligation to work on the public roads in Bibb County, Alabama and to prohibit the levying and collection of a per capita road tax in Bibb County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That all persons in Bibb County, Alabama, shall be and are hereby relieved of any legal obligation to work on the public roads in Bibb County, Alabama, or to pay any money to the State of Alabama or said County in lieu of such legal obligation to work on the public roads in Bibb County, Alabama, and that no per capita road tax shall be levied or collected in Bibb County, Alabama.

Section 2. That all laws, general, special and local, and all County laws, in conflict herewith be and the same are hereby repealed.

Section 3. This act shall become effective on the first day of January, 1936, after its passage and approval by the governor.

Signed: L. S. Moore,
Representative for Bibb County.

STATE OF ALABAMA, }
BIBB COUNTY. }

I hereby certify that the attached Legal Notice was published in The Centreville Press once a week for four consecutive weeks, viz. July 18 and 26; August 1 and 8th, 1935.

J. W. Oakley, Publisher.

Subscribed and sworn to before me on this the 19th day of Aug. 1935.
(Seal) W. L. Pratt, Judge of Probate.

And orderd same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 966, 969, 970, 974, 977, 978, 982 and 988, to the Committee on Local Legislation.

H. 1000, to the Committee on Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Chichester:

H. 542. To amend subdivision 2 of Section 9896 of the Code of Alabama, 1923, as amended by an act entitled, "An Act to amend paragraphs (f) and (g) of Section 9879 and Section 9880 of the Code of Alabama, 1923, as amended by an Act entitled, 'An Act to amend Section 9879 and 9880 of the Code of Alabama, 1923' approved by the Governor, September 9th, 1927; also to amend Sections 9878, 9885, 9887, 9890, 9891, 9892, 9896, 9899, and 5402 of the Code of Alabama, 1923; and to provide for the registration of securities, dealers in and salesmen of securities and the regulation, supervision, suspension, cancellation and revocation thereof; and to fix penalties and to provide remedies for the violation of this act; and to provide for the protection of the public (purchasers and holders of securities) by injunction, receivership and other equitable remedies at the instance of the State of Alabama". Approved by the Governor, July 28th, 1931 (General Acts of Alabama, 1931, pages 783-801).

Also:

By Mr. Byars:

H. 706. To amend Section 5076 of the 1923 Code of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 542, to the Committee on Insurance.

H. 706, to the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 365. To create a State Department of Public Welfare; to provide for a State Board of Public Welfare for the government thereof; to prescribe its powers and duties; to provide for the appointment of a Commissioner as Executive Officer and for the appointment of other employees, their compensation and the maintenance and other expenses of the State Department of Public Welfare; to transfer to the State Department of Public Welfare all

the powers, duties, and obligations now vested in and relating to the State Child Welfare Department, except the administration of the State Child Labor Law, which may now or hereafter be transferred to the Department of Labor in the event such department be established; to transfer to the State Department of Public Welfare all those duties having to do primarily with the determination of need and authorization of relief now performed by the Alabama Relief Administration; to empower the State Department of Public Welfare to administer all public assistance funds, child welfare funds, and all funds appropriated by the Legislature to the State Department of Public Welfare for the purposes for which they are appropriated; to authorize the State Department of Public Welfare to act as agent for and to cooperate with any Federal or State agency or enactment now or hereafter provided by law for the purpose of rendering public assistance and services through any of the bureaus herein created; to authorize the State Board of Public Welfare to create such other bureaus and divisions within the purview of this Act as may be necessary for its administration and to prescribe rules and regulations governing the same; to authorize the State Board of Public Welfare to prescribe adequate standards of education, training and experience which must have been attained by persons selected for the positions to be filled in each of the bureaus and divisions of the State Department of Public Welfare and in the several county departments of public welfare; to authorize the State Board of Public Welfare to issue certificates to such persons as may meet the qualifications prescribed; to provide a mental hygiene program of non-institutional care; to authorize the State Department of Public Welfare to collect statistics and other information relative to public welfare and to make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for public assistance, family welfare, child welfare and other welfare activities; to create county departments of public welfare and to provide for county boards of public welfare for the government thereof; to prescribe their powers and duties; to transfer to the county boards of public welfare and the county departments of public welfare all rights, duties, powers and obligations of the present county child welfare boards; to authorize the county department of public welfare, operating under the county boards of public welfare, to act as agents for and to co-operate with any Federal, State or County agency or enactment now or hereafter provided by law for the purpose of rendering public assistance, family welfare services and child welfare services; and to repeal all laws in conflict herewith.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, the Senate non-concurred in the following amendment by the House to S. 365, the title of which is set out in the foregoing Message from the House to-wit:

Amend Senate Bill 365 by adding Section 20 thereto as follows:

Section 20. Nothing in this Act shall be construed to transfer to State or County Public Welfare Boards any functions, responsibilities, duties, or services now authorized by law to be performed by State, County or City Boards of Education. Nor shall this Act give authority to State or County Public Welfare Boards for the administration or supervision of the administration of any State or Federal appropriations, grants, aids, gifts, or loans now being administered or which may hereafter be administered by the State Board of Education and local school authorities.

Amend Senate Bill 365, Section 15, beginning with "same manner as heretofore provided in the County Child Welfare Board Act" line 2, page 10 by adding thereto the following:—"Provided that the County or City Board of Education shall have complete charge of the services of the persons employed for the joint service of School Attendance and Welfare for the same proportion of the joint worker's time as the amount appropriated by the County or City Board of Education bears to the total amount appropriated by the local county or city officials for the joint service."

Amend Senate Bill No. 365 by adding after the word "Created" on line eight, page four the following:

Provided, however, the State Board shall not disqualify those Child Welfare Workers from holding office, if they have had at least four years experience as a Child Welfare Worker in Alabama for the past four years prior to the passage of this Act, on account of education requirement, training, previous experience and general efficiency.

Amend Senate Bill No. 365 Section 12 by striking out the period at the end of line 7 on page 8 of the printed copy and further by striking out in line 8 page 8 of the printed copy the words "he or she shall be appointed from a list of eligibles certified by the commission as."

Amend Senate Bill No. 365 by striking therefrom Sub-section (1) of Section 5 thereof.

To amend Senate Bill No. 365 by adding thereto Section 17-A.

Provided, however that all Stores, Commissaries, Repair Shops and other similar enterprises of the Department of Public Welfare or any agency thereof be discontinued to protect merchants, who operating under the State Laws of the State of Alabama, and who are entitled to the protection by the State of Alabama against enterprises that are not licensed within the State of Alabama.

Provided, Also that any and all orders for groceries issued by said Department of Public Welfare, or any agency thereof be tradeable at any licensed store and that no discrimination be made as to where the said orders must be filled, thereby giving every licensed concern the same opportunity to benefit from funds and orders paid to workers employed by any agency or department of the said Department of Public Welfare.

Amend Senate Bill 365 by adding at the end of line 22, page 3, Section 4 of said Bill, after the word "Board", the following words:

"With the approval of the Governor, not to exceed thirty-six hundred dollars".

Further amend said Bill by striking out the first paragraph of Section 11 of said Bill and insert in lieu thereof the following:

"Section 11. The County Board of Public Welfare shall consist of seven members, not less than two of whom shall be women, selected by the County Court of Commissioners or County Board of Revenue or other governing body of the County from the citizenship of the county on the basis of their recognized interest in the public welfare, provided that in counties in which there are cities having a population of sixty thousand or more, according to the last Federal Census, the city commission or other governing body of the city shall have equal authority with the County Board of Revenue or other governing body of the County in selecting the membership of the County Board of Public Welfare."

And requests a Committee of Conference.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Cook	Mooneyham	Stephens	Wellborn
Dorsey	McDowell	Swift	Woodall
Glover	Parrish	Taylor	

—27

Nays:—None.

Thereupon the President of the Senate appointed as conferees on part of the Senate: Messrs. Walton, Swift and Russell.

MESSAGE FROM THE HOUSE

Mr. President:

The House has adopted the following Resolution:

By Mr. Harrison:

H. J. R. 325. BE IT RESOLVED by the House of Representatives, the Senate concurring,

THAT WHEREAS, Hon. Aubrey Williams, a native citizen of Alabama, has, by his accomplishments and record, distinguished

himself and honored the State of Alabama, and is now Assistant Administrator of the Federal Relief Administration, thoroughly conversant with the Relief Program of the Federal Government, and is an able speaker and can give the Legislature of Alabama much valuable and important information on this vital legislation, both State and Federal;

THEREFORE, BE IT RESOLVED, that the Legislature of Alabama extend to Hon. Aubrey Williams an urgent request and invitation to address the Senate and House of Representatives in joint session assembled on September 3rd, or 4th, 1935, at an hour to be named by Hon. Aubrey Williams, and that this request and invitation be transmitted to Hon. Aubrey Williams without delay.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 325, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has adopted the following House Joint Resolution:
By Mr. Staples:

H. J. R. 341. BE IT RESOLVED by the House of Representatives, the Senate concurring, that Senate Bill No. 325 be known as the Hendley-St. John Bill.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 341, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has adopted the following House Joint Resolution:
By Mr. Coleman:

H. J. R. 346. BE IT RESOLVED by the House of Representatives, the Senate concurring, that when the two Houses adjourn today they adjourn until Tuesday, September 3, 1935, at ten o'clock A. M.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 346, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION AND SPECIAL ORDER

The Rules Committee reported the following Senate Resolution:

S. R. 109. BE IT RESOLVED BY THE SENATE, that upon a call of calendar bills for today, the Senate will first consider all local bills in the order in which they appear upon the calendar and immediately upon the completion of calendar bills, the Senate shall take up for consideration the following bills, which shall constitute a Special, Paramount and Continuing Order of business of the Senate until all of said bills are disposed of:

1. Local Bills:
2. S. 405 page 18
S. 404 page 18
401 page 26
3. S. 220 page 15
4. H 506 page 7
5. S. 395 page 16
6. S. 403 page 15
7. S. 413 page 27
8. S. 348 page 36
9. S. 395 page 12
10. S. 387 page 14
11. S. 407 page 25
12. S. 398 page 24
13. S. 380 page 16
14. H 191 page 17
15. S. 402 page 15
16. S. 385 page 16
17. S. 361 page 19
18. S. 394 page 11
19. H 876 page 22
20. H 646 page 20

And on motion of Mr. Riddle, said report was concurred in, the Resolution adopted and said bills made Special, Paramount and Continuing orders as above stated.

Mr. Stephens offered the following Joint Resolution:

S. J. R. 110. BE IT RESOLVED BY THE SENATE OF ALABAMA, the House concurring, that when the two Houses adjourn today, they adjourn to meet again Thursday, Aug. 29 at ten o'clock A. M.

Which was read and referred to the Standing Committee on Rules.

BILL INDEFINITELY POSTPONED

On motion of Mt. Starnes, the Senate indefinitely postponed further consideration of the bill:

S. 253. To require 25% of the total funds received by St. Clair County, Alabama, from the levy and collection by the State of Alabama of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the principal of all bonds issued against the road and bridge funds of St. Clair County, which bonds were issued for the purpose of constructing public roads and bridges in said county; requiring the County Treasurer or like official or depository of said County to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof with said funds for said purpose, providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama; and to provide the time when this act shall take effect.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report to-wit:

H. J. R. 346. Relative to adjournment of the two Houses until Tuesday, September 3rd, 1935, at ten A. M.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

SPECIAL ORDERS

The Senate proceeded to consider the Special Orders for to-day, the first of which was the bill:

H. 643. To require the County of Mobile to maintain a County Agricultural Agent; to provide for his appointment, and to provide for his duties and to provide a minimum salary for him, and to provide out of what funds and in what order of preference said salary shall be paid.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Cook

Fletcher
Glover
Kelly
Kuykendall

Locke
Mixon
Mooneyham
McDowell

Parrish
Rogers (Mobile)
Russell
St. John

Simpson
Starnes
Swift

Taylor
Thomas
Tucker

Walden
Weaver

Wellborn
Woodall

—26

Nays:—None.

The bill:

H. 809. To regulate the nomination of circuit judges in primary elections in the Tenth Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Dorsey
Fletcher
Glover

Kelly
Kuykendall
Locke
Mooneyham
McDowell
Parrish
Rogers (Mobile)

Russell
St. John
Simpson
Starnes
Swift
Taylor

Thomas
Tucker
Walden
Walton
Wellborn
Woodall

—26

Nays:—None.

The bill:

H. 845. To provide for the appointment of a Chief Clerk by the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County), to fix the term of office of said Chief Clerk, to prescribe the duties of said Chief Clerk and to require said Chief Clerk in addition to his work as Chief Clerk to do stenographic work for said Solicitor and also to work as an investigator for said Solicitor, to fix the compensation of said Chief Clerk, to provide that said compensation shall be paid out of the General Funds of the County Treasury of Mobile County, Alabama, and how the same shall be paid and to further provide that said salary of said Chief Clerk shall be a preferred claim against the County.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Chesnut
Cook
Dorsey
Glover
Kelly

Kuykendall
Locke
Mooneyham
McDowell
Parrish
Rogers (Mobile)
Russell

St. John
Simpson
Starnes
Stephens
Swift
Taylor

Thomas
Tucker
Walden
Walton
Wellborn
Woodall

—26

Nays:—None.

The bill:

S. 384. To amend an Act entitled "An Act to amend an Act entitled "An Act to amend Section 2377 of the Code of Alabama of 1923, approved July 22, 1931," approved March 15, 1933.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	Simpson	Tucker
Carlton	Locke	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Dorsey	McDowell	Swift	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

S. 396. To authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy a privilege tax on all persons selling, or keeping in storage for sale, gasoline, Woco-Pep, or any other motor fuel used by self propelled vehicles, not to exceed one cent per gallon; to authorize such Board of Revenue of said County to provide the necessary rules, regulations and machinery for the collection of said privilege tax; to make provision for the distribution of said privilege tax; to prohibit any incorporated city or town in said County from levying a municipal privilege tax on gasoline, Woco-Pep, or any substitute therefor; to repeal the municipal privilege taxes on said gasoline, Woco-Pep, or any substitute therefor, which may now be levied by any incorporated city or town in said County; to provide for the use of said privilege tax, and to provide penalties for the violation of such rules and regulations, to repeal all laws in conflict with this Act and to provide when this Act shall take effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	McDowell	Swift	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 540. To require that twenty-five per cent of the total funds, received by Lawrence County, Alabama, from the levy and collection by the State of gasoline taxes or taxes on other motor fuels, be used for the purpose of paying the principal of all county road debts contracted prior to October 1, 1935, including bonds of said county issued for the purpose of building public roads in said county; to provide that the Board of Revenue shall ascertain during the month of October, 1935, and register in a book of permanent record and publish in the county paper, or cause such to be done, the various amounts of all the road debts of the county, specifying particularly the amounts owed, to whom such amounts are owed, when such amounts are due and the interest rate, if any, thereon; to provide for the permanent continuation of this record and to provide the method for the retirement of such indebtedness.

Was taken up.

Mr. St. John offered the following amendment to said bill to-wit:

To amend H. Bill 540 by striking out section seven and inserting in lieu thereof the following:

Section 7. This Act shall become operative Oct. 1, 1936.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Tucker
Browder	Locke	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Tucker
Browder	Locke	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 764. To prescribe the salary and the manner of payment of the same, of the chief deputy sheriff for Morgan County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Cook	Mooneyham	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Fletcher	Parrish	Swift	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 765. To allow the sheriff of Morgan County, Alabama, a deputy sheriff in addition to the chief deputy sheriff, and fix his salary, and make it payable out of the general funds of the county in equal monthly installments, said deputy to be located in Decatur, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 847. To provide for the appointment of an Assistant Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to fix the term of said office; to prescribe the duties and authority of said Assistant Solicitor and to fix his compensation; and to provide the manner of payment thereof and that such salary shall be a preferred claim against Mobile County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walton
Chesnut	Mixon	Starnes	Weaver
Cook	Mooneyham	Stephens	Wellborn
Fletcher	Parrish	Swift	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 807. For the relief of J. F. King, the former Sheriff of Tuscaloosa County, Alabama, authorizing and directing payment or refund by the Board of Revenue of Tuscaloosa County, Alabama, out of the general fund of Tuscaloosa County, Alabama, to said J. F. King of the sum of Three Hundred Sixteen and 50/100 (\$316.50) Dollars, which was paid to him as such Sheriff for furnishing a bailiff for the Inferior Court of Tuscaloosa County, for the services of such bailiff, under the Act approved August 3, 1927, and entitled "An Act to establish a court of record in Tuscaloosa County, Alabama, to be known as the Inferior Court of Tuscaloosa County, Alabama," and which amount of \$316.50 the said J. F. King, while Sheriff of Tuscaloosa County, Alabama, was compelled to repay to Tuscaloosa County, and to provide for the repeal of all laws and parts of laws in conflict with the provisions of this Act.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	St. John	Tucker
Carlton	Mooneyham	Simpson	Walden
Cook	McDowell	Starnes	Walton
Dorsey	Parrish	Stephens	Wellborn
Glover	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 900. To alter or rearrange the boundary line of the City of Mobile, Alabama, so as to exclude from the City of Mobile certain territory described herein and now included within the corporate limits of said City of Mobile.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn
Glover	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 901. To alter or rearrange the boundary line of the City of Mobile, Alabama, so as to exclude from the City of Mobile certain territory described herein and now included within the corporate limits of said City of Mobile.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Thomas
Browder	Locke	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Wellborn
Glover	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 547. To provide funds for the maintenance and operation of public libraries situated in counties of the State of Alabama having not less than 100,000 nor more than 200,000 population.

Was taken up.

Mr. Rogers of Mobile offered the following substitute for said bill to-wit:

Substitute for House Bill No. 547 the following:—

A BILL

To be entitled An Act to provide funds for the maintenance and operation of public libraries in incorporated towns or cities in Counties of the State of Alabama having not less than 100,000 nor more than 200,000 population.

Be it Enacted by the Legislature of Alabama:

Section 1. That in every county in this State having a population of not less than 100,000 nor more than 200,000, according to the last or any subsequent Federal Census, there shall be paid

annually out of the general fund of such county to the board, commission or other governing body, duly constituted by public law, of each public library situated in any incorporated town or city sums equal to seven cents (\$.07) per capita of the population of each such incorporated town or city in every such county, for the maintenance and operation of such public library or libraries, such sums to be paid monthly in twelve equal installments on the first day of each calendar month or, if such public library or libraries be hereafter constituted, beginning on the first day of the calendar month following the constitution of each such public library.

Section 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Section 3. That this law shall take effect immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Walton
Dorsey	Parrish	Swift	Wellborn
Fletcher	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Fletcher	Riddle	Swift	Wellborn
Glover	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 944. To relieve all persons in Randolph County, Alabama of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such obligation to work on the public roads in said Randolph County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Walton
Fletcher	Riddle	Swift	Wellborn
Glover	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 949. To relieve all persons of any legal obligations to work public roads or streets in Pike County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	McDowell	Stephens	Wellborn
Fletcher	Parrish	Swift	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 943. To allow the Sheriff of Blount County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Blount County in monthly installments.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 940. To provide for the payment to the Clerk and/or Sheriff of Marshall County of all costs and/or fees accruing after the passage of this Act which would otherwise be payable out of the fine and forfeiture fund of Marshall County to be paid quarterly out of

the general fund of said County instead of out of the fine and forfeiture fund of said County; to provide for the method, manner and time of the payment of the same and make the same a preferred claim against the general fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the fine and forfeiture fund of Marshall County.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Mixon	St. John	Tucker
Carlton	Mooneyham	Simpson	Walden
Cook	McDowell	Starnes	Walton
Dorsey	Parrish	Stephens	Wellborn
Fletcher	Riddle	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 823. To cede to the United States of America exclusive jurisdiction over the Fort McClellan Military Reservations in Calhoun County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Swift	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

S. 420. To require the tax assessors and tax collectors of the several counties in this State, having a population of not less than 75,000 nor more than 110,000 people, according to the last or any succeeding Federal Census, in addition to assessing and collecting the ad valorem taxes due the State and said counties on motor vehicles, to collect the ad valorem taxes on motor vehicles due all cities and municipalities in such counties; to provide for reports and payments of collections by tax collectors; and to fix compensation of said assessors and collectors for the performance of their duties under this Act, which shall be in addition to compensation now received by them for assessing and collecting taxes for the State

and such counties; and to repeal all laws or parts of laws, general or local in conflict with this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Taylor
Browder	Locke	St. John	Thomas
Chesnut	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Fletcher	Parrish	Stephens	Weaver
Glover	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)		

—26

Nays:—None.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Weaver, the Senate indefinitely postponed further consideration of the bill:

S. 405. To provide for the raising of public revenue by imposing privilege taxes on the manufacture and sale of cereal beverages of an alcoholic content of not more than 3.2, percentum by weight; to provide for the imposing, levying and assessing of excise and privilege taxes on dealers of such cereal beverages and provide for the collection of such taxes; to provide for the issuance of permits and licenses, to engage in the businesses taxed by this Act; to empower the chairman of the State Tax Commission to prescribe rules and regulations for the enforcement of this Act; to provide for the keeping of records relating to distribution and sale of such cereal beverages and to provide penalties for the violation of the provisions of this Act; and to appropriate funds for the purpose of carrying out the provisions of this Act.

Yeas, 25; Nays, 6.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Fletcher	Parrish	Taylor	Woodall
Glover			

—25

Nays:

Messrs.:

Dorsey	Locke	Simpson	Swift
Frazer	Rogers (Mobile)		

—6

On motion of Mr. Weaver, the Senate also indefinitely postponed further consideration of the bill:

S. 404. To amend an Act entitled "To regulate the manufacture for sale, the transportation, sale and possession of cereal beverages in which hops, malt, or other light ingredients are used, containing not more than one-half of one per cent alcohol," passed October 6, 1932; and to define "Cereal Beverages"; to provide the manner in which counties may prohibit the manufacture, brewing, sale and distribution of cereal beverages; and to provide penalties for the violation of the provisions of this Act.

On motion of Mr. Bonner, further consideration of the bill:

S. 401. To promote temperance and suppress the evils of intemperance; to discourage the violation of the state statutes forbidding the manufacture, sale, offering for sale of intoxicating liquors; to provide for an election in each of the counties of the state in which the qualified electors of each county shall, by majority vote thereof, determine whether or not Alabama's present laws against the manufacture, sale, and distribution of prohibited liquors in each such county shall be modified therein; to provide for such elections from time to time in such counties to likewise determine said issue in such respective counties; and in counties authorizing the same by such election, to legalize, regulate and control the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking, and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation, or otherwise; to create a department of Alcoholic Beverage Control and an Alabama Alcoholic Beverage Control Board and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, costs, and expenses of such Board and its members, officers, agents, and employees; to provide for the manufacture, sale, and distribution of such alcoholic beverages by said Board; to provide for the sale and purchase at retail at state stores in such counties of alcoholic beverages of a higher alcoholic content than beer; to provide for the sale in such counties of beer at retail by such persons as shall be so authorized by the said Board; to authorize said Board to issue rules and regulations governing the manufacture, sale and possession of such beverages in said counties; to make it a misdemeanor for any person to purchase any such beverages from any person or persons except those authorized by this act and by the Board under the provisions of this act; to make it a misdemeanor for any person to drink intoxicating liquors other than beer in a public place; to appropriate money for the administration of the act and to provide for the disposition of the net profits collected under the act; to provide for

the confiscation and disposition of articles declared contraband hereunder; to impose penalties for violations of the act; to repeal all acts and parts of acts in conflict herewith, and to provide that this act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act."

Was indefinitely postponed by the Senate.

Yeas, 24; Nays, 6.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Parrish	Swift	Woodall

—24

Nays:

Messrs.:

Dorsey	Locke	Simpson	Wellborn
Frazer	Rogers (Mobile)		

—6

Mr. Bonner moved that the vote by which said bill was indefinitely postponed be re-considered, which motion was lost.

The next Special Order to-wit:

S. 220. To amend Section 1, 2, 3, 4, and 5 of an act entitled "An Act providing for and relating to the remedies of a landlord for recovery of possession of rent premises when such possession is wrongfully withheld by the tenant." (Approved October 25, 1932.)

Was taken up.

The Standing Committee on Judiciary reported the following amendment to said bill to-wit:

Amend Senate Bill 220, Section 1, by adding immediately after the words, "for which the same were rented or leased to him", where they appear together therein, the following words: "or after his right of possession has determined or been forfeited, and the owner of the lands or tenements shall desire possession of same."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	St. John	Thomas
Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walton
Chesnut	McDowell	Stephens	Weaver
Glover	Parrish	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall
Kuykendall	Russell		

—26

Nays:—None.

Mr. Kelley offered the following amendment to said bill to-wit:
Amend S. B. 220—Section 4 by inserting therein the word
“Five” instead of the word “ten” where the same appears therein.

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Tucker
Browder	Locke	Simpson	Walden
Carlton	McDowell	Starnes	Walton
Chesnut	Parrish	Stephens	Weaver
Fletcher	Riddle	Swift	Wellborn
Glover	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell	Thomas	

—27

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Russell	Thomas
Browder	Mixon	St. John	Tucker
Carlton	Mooneyham	Simpson	Walden
Chesnut	McDowell	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Kelly	Riddle	Swift	Wellborn
Kuykendall	Rogers (Mobile)	Taylor	Woodall

—28

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House Joint Resolution, your signature thereto is requested:

H. 178. To vest in the City of Birmingham, a municipal corporation, the title to the East half of block 44, according to the Elyton Land Company's survey, for the purpose of a public municipal park.

Also:

H. 242. To amend Sections 6363 and 6364 of the Code of Alabama of 1923, relating to unclaimed dividends in Liquidated State Banks, and also to provide for the disposition of such funds now in the Treasury.

Also:

H. 243. To appropriate the monies now in the Treasury to the credit of the Two and Three Per-Cent Fund, and to provide for the disposition of future receipts from the Federal Government.

Also:

H. 247. To appropriate the monies now in the Treasury to the credit of the Federal Water Power Act Fund, and to provide for the disposition of future receipts from the Federal Government.

Also:

H. 248. In relation to the educational system of Alabama; to make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama.

Also:

H. 325. To create a Sinking Fund to retire the Renewal Class A, the Renewal Class C, and the Funding Bonds of the State of Alabama; to appropriate and transfer certain funds thereto and to create a Commission to be known as the Sinking Fund Commission; to administer the same and to define the powers and duties of said Commission and prescribe the functions thereof.

Also:

H. 723. To amend Sections 1 and 2 of an Act of the Legislature of Alabama entitled: "An Act to provide for the election of County Superintendent of Education for Clay (County), Alabama, to fix his term of office, to prescribe his salary and the manner of payment; to define his qualifications, powers and duties, and to provide for the election of his successor in office" approved September 26, 1923.

Also:

H. 771. For the Relief of Frank M. Barry, and to authorize, empower and direct the Court of County Commissioners of Colbert County, Alabama, and the County Depository of said County to pay to the said Frank M. Barry out of any money in the County Treasury, not otherwise appropriated, in order to reimburse Frank M. Barry for an overpayment made by him to the County Treasury through the Probate Judge of Colbert County, Alabama, in redeeming certain property sold for taxes, state and county, in the year 1932.

Also:

H. 811. Declaring a State and National Emergency to exist affecting the service trades within the State of Alabama, declaring the necessity for ordinances providing for fair competition among service trade; declaring this Act and emergency measure; authorizing the governing bodies of all cities of this State whose population is not less than 60,000 nor more than 250,000 according to the last or any subsequent Federal census to enact or repeal such ordinances providing for fair competition among those trades wherein services are rendered to the public without the sale of merchandise as such except as a mere incident to such service; providing for the application to the governing bodies of such cities for the establishment of ordinances providing for fair competition, and providing a penalty for violation of provision of ordinances so adopted.

Also:

H. 812. To relieve or exempt the Central Alabama Hospital, Inc., a corporation, of or from the payment of all Ad Valorem taxes assessed against it or its property in Chilton County, Alabama, for the State of Alabama and for Chilton County for the tax year 1932, and/or which was due on said property at said time, and to annul, set aside and avoid the sale of said property for such taxes, which sale was made by W. G. Culp, as Tax Collector of Chilton County, Alabama, on the 19th day of November, 1934, and sold to the State of Alabama for \$288.96, said sale being made under a decree of the Probate Court of Chilton County, Alabama, dated October 15th, 1934, and to declare such property exempt from such taxes, it appearing that the property so sold was exempt from taxation during said tax year, but that such exemption was not claimed or allowed.

Also:

H. 813. To relieve and release J. T. Rockett, former Tax Collector of Chilton County, Alabama, on account of his failure to collect, while Tax Collector of Chilton County, Alabama, Ad Valorem Taxes assessed against the Central Alabama Hospital, Inc., a corporation, and its property in Chilton County, Alabama, for the tax years of 1929 and 1930, said Central Alabama Hospital, Inc., a corporation, having been entitled during said tax years to an exemption as against tax on said property and the relief and release hereby granted being on an assessment in each of said years of a tax value of \$12,000.00, and to grant and exemption from said taxes to said Central Alabama Hospital Inc., a corporation, for said tax years of 1929 and 1930.

Also:

H. 840. To provide for an election to submit to the qualified electors of Lawrence County for their approval or rejection a proposal to issue bonds in an amount not exceeding \$130,000 for the

purpose of constructing and equipping a courthouse and jail building for said county; and to levy and collect taxes on all taxable property in said county at a rate not exceeding three mills, to provide a fund for the payment of said indebtedness and the interest thereon; and to provide for the issuance of said bonds and the levy of said tax over a period not exceeding twenty-five (25) years, in the event the said proposal is approved by the majority voting in said election; and to provide for the construction and equipping of said courthouse and jail building.

Also:

H. 854. To abolish the office of Deputy Solicitor of Cullman County, Alabama, to fix the time when such office shall be abolished, and to provide that such bill shall not affect any general, special or local laws except as herein provided for.

Also:

H. 855. To create the office of County Solicitor of Cullman County, Alabama, to provide for the election of such officer by the qualified voters of said county, to prescribe his powers, duties and qualifications, to provide for his compensation, fix the term of his office, provide for the election, and the time of the election of his successor, to provide for the furnishing to him of suitable offices, telephones, postage and stationery and to provide for the payment of such rents, telephone calls, postage and stationery, to require him to act as attorney for the county court of county commissioners and the county board of education, to repeal all general and local laws in conflict herewith so far as they relate to said county.

Also:

H. 861. To make appropriations to the Alabama Agricultural Experiment Station at Auburn; to the branch agricultural experiment stations located at Belle Mina in Limestone County, at Crossville in DeKalb County, at Marion Junction in Dallas County, at Headland in Henry County, and at Fairhope in Baldwin County, to the experiment fields located at various points in Alabama; to provide for the purchase of necessary land; to provide for the administration, supervision and direction of the research work carried on by the above agencies; to provide for the purchase of equipment, supplies, and for other necessary expenses involved in the conduct of agricultural researches and experiments on the main station at Auburn, on the branch stations, on the experiment fields, and in cooperation with farmers, and to provide how and from what sources said appropriation shall be derived, the distribution thereof, and the manner in which same shall be paid.

Also:

H. 862. To provide for Extension Work in agriculture and home economics by giving instructions to men, women and young

people in the several counties in Alabama, by continuing and improving farm and home demonstration work, by providing for the training of men and women leaders, by organizing groups of farm people, including men, women, boys and girls, into clubs for the improvement of agriculture and farm home life, and by conducting Extension work through other means, all with the view of making farm life more profitable and attractive; and to aid in securing for Alabama the full amounts of all Federal funds conditionally appropriated to Alabama by the Congress of the United States under an Act approved May 8th, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, and other related and supplementary acts; and to make appropriations for these purposes.

Also:

H. 869. To authorize the sheriff of Chilton County, Alabama, to appoint a special or general deputy, fix his tenure of office, prescribe his duties, fix his compensation and to authorize and require the Court of County Commissioners to pay the same by warrant drawn on the treasurer and paid out of the general funds of said County, and to require said deputy to give bond in the sum of \$2000.00 payable to said sheriff with conditions as required by Section 2595 of the Code of Alabama, 1923.

Also:

H. 878. To regulate the maintenance, repair and construction of the Roads and Bridges of Cullman County, Alabama; to create the office of Road and Bridge Superintendent for Cullman County, Alabama, to prescribe the qualifications, powers and duties of said Superintendent, to provide for his appointment, to fix his salary and term of office, and to require him to give bond, and to relieve the Judge of Probate and County Commissioners of all road duties, and to provide that said Commissioner shall receive no compensation for any road services that may be rendered.

Also:

H. 945. In relation to the public school system of Alabama: To make appropriations and provide funds for the support, maintenance, and development of the public school system of the State.

Also:

H. 946. In relation to Tuskegee Institute: To make appropriation and provide funds to help in the support, maintenance, and development of Tuskegee Institute.

Also:

H. J. R. 219. Relative to, Bankhead-Jones Act, June 29th, 1935.

Also:

H. 806. To appropriate the sum of One Hundred Thousand Dollars for the relief of the City of Decatur, Morgan County, Alabama.

Also:

H. 575. To abolish the Commissioners Court of Clay County, Alabama; and the office of County Commissioner, to establish in said County a County Commission; to provide for the election of the members of said Commission; to fix their term of office; to define the powers and duties of such Commission and to fix the compensation of the members thereof.

Also:

H. 249. To make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

E. F. Taylor,
Clerk.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolution; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill:

S. 388. To extend the time in which tax collectors of the several counties of Alabama may file their official bonds with the Comptroller, so that they may be filed on or before the 15th day of September next after their election; and to repeal all laws in conflict herewith.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 373. To permit the playing of tennis, golf, baseball and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in cities of the State which now have or may hereafter have a population of not less than Twenty-Four Thousand inhabitants nor more than Sixty Thousand inhabitants,

according to the last or any subsequent Federal Census and within the police jurisdiction thereof; to provide that the governing body of any such city may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city, and to provide for holding of other and subsequent elections on such acts and for cost thereof.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the report of the Committee of Conference on the disagreement of the two Houses on the Senate Amendment to the following House bill:

By Mr. Wallace:

H. 545. To provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed.

Said report being in words and figures as follows:

To the Senate and House of Representatives:

Your Committee of Conference on the differences between the Senate and House of Representatives on Senate Amendment to House Bill 545 report as follows:

1. We recommend that Section 8 of said Bill be amended so that the same shall read as follows:

Section 8. For each driver's license issued to the head of the family, for which 50c is charged, the Probate Judge shall be allowed a fee of 10c which shall be paid by applicant, and for each license issued for which 25c is charged the Probate Judge shall be allowed a fee of 5c which shall be paid by applicant, which said fee shall include all compensation to the Probate Judge for performing all the duties herein prescribed. The license fees collected shall be remitted to the State Treasurer on or before the fifth day of each month. The said monies shall be kept in a separate fund in the State Treasury to be known as the "Highway Patrol Fund." Fines and Forfeitures imposed upon persons violating the provisions of this Act shall be rendered into the said Highway Patrol Fund by the officers of the

several courts. Said Highway Patrol Fund shall be expended only for the purposes of maintaining and equipping a State Highway Patrol to promote the public safety, as aforesaid. The Probate Judge or any clerk in said Probate Office shall have the authority to administer oaths required on said applications and no charge shall be made for such services.

2. We recommend that Section 11 of said Bill be amended so as to read as follows:

Section 11. For the enforcement of the provisions of this Act, to promote the public safety and generally to perform the duties imposed upon the Governor concerning the enforcement of all the laws, the Governor is hereby authorized to establish a State Highway Patrol to consist of a Chief of State Highway Patrol, whose salary shall not exceed \$2750.00 per annum, two Captains of State Highway Patrol, whose salaries shall not exceed \$2250.00 per annum, each four sergeants of State Highway Patrol, whose salaries shall not exceed \$1800.00 per annum, each and such number of patrolmen as in his judgment is necessary, at a salary not to exceed \$1500.00 per annum, each and such clerical assistance, stenographers, etc., as may be deemed necessary, together with the expenses incident to the performance of the duties herein prescribed, to be approved by the Governor; provided however, that no State Highway Patrol officer shall be entitled to any costs for attending any courts, but instead the proper authorities shall collect such fees and mileage that are due such officers for attendance on any court or for any official act and to promptly turn same into the Highway Patrol Fund, and it shall become a part thereof, such fees and mileage to be expended as other moneys in said fund and are authorized to be expended. Such officers and agents, when so authorized in writing by the Governor, shall have the power of Peace Officers in this State and may exercise such powers anywhere within the State. All persons so appointed shall hold office at the pleasure of the Governor and may be removed or discharged by him with or without cause. The compensation of such officers, agents and employees shall be fixed by the Governor within the limits prescribed by this section and shall be paid by warrant drawn by the Comptroller on the State Highway Patrol Funds in the State Treasury, as also shall the necessary expenses of said Patrol, when approved by the Governor, and the Chief of said State Highway Patrol, with the approval of the Governor, is hereby authorized to purchase the necessary equipment to make effective the provisions of this act, payment for which shall be made out of the State Highway Patrol Fund as herein set out. Said officers, agents and employees shall perform all duties required of them by the Governor." And we recommend that the Bill when so amended be passed by the Senate and by the House of Representatives.

JUDSON C. LOCKE,

FLOYD H. MOONEYHAM,

Conferees on part of the Senate.

J. R. WALLACE,

JOHN C. COLEMAN,

W. C. HARRISON,

Conferees on part of the House.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Locke, the Senate concurred in and adopted the foregoing report of the Committee of Conference on the dis-

agreement of the two Houses on the Senate amendment to H. 545, the title of which and said conference report, is set out in the foregoing Message from the House.

Yeas, 22; Nays, 6.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift	
Carlton	Kuykendall	Rogers (Mobile)	Thomas	
Chesnut	Locke	St. John	Walden	
Cook	Mixon	Simpson	Walton	
Fletcher	Mooneyham	Stephens	Woodall	
Glover	Parrish			—22

Nays:

Messrs.:

Dorsey	Russell	Tucker	Wellborn	
Frazer	Starnes			—6

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 22; Nays, 7.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Swift	
Browder	Kuykendall	Rogers (Mobile)	Thomas	
Carlton	Locke	St. John	Walton	
Chesnut	Mixon	Simpson	Weaver	
Fletcher	Mooneyham	Stephens	Woodall	
Glover	McDowell			—22

Nays:

Messrs.:

Dorsey	Russell	Tucker	Wellborn	
Frazer	Starnes	Walden		—7

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Riddle:

S. 392. To repeal an act entitled, "An Act to define sedition and prescribe the punishment therefor," which became a law under the Constitution of Alabama on July 31, 1935.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

RECESS

At 12:25 P. M., on motion of Mr. Mooneyham, the Senate took a recess until 2:30 this afternoon.

FORTY-FOURTH DAY—AFTERNOON SESSION

Tuesday, August 27th, 1935

The Senate re-assembled at 2:30 P. M., Lieutenant-Governor Knight, presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Weaver
Fletcher	McDowell	Stephens	Wellborn
Frazer	Parrish	Swift	Woodall
Glover	Riddle	Taylor	

—31

REPORTS OF COMMITTEES

Mr. Wellborn, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Staples:

H. 651. To authorize any bank, trust company, bank and trust company, banking association, stock savings bank or mutual savings bank now or hereafter organized under the laws of this State or the conservator, receiver or liquidator thereof, to enter into such contracts, incur such obligations and generally to do such acts as may be appropriate or necessary to take advantage of any and all memberships, loans, subscriptions, contracts, grants, rights or privileges which may, at any time, be available or enure to said banking institutions or their depositors or stockholders, or their conservators, liquidators, or receivers, by virtue of any Act or Resolution of the Congress of the United States to aid, regulate or safeguard banking institutions and depositors, including the Act creating the Federal Deposit Insurance Corporation; to empower any such banking institution to subscribe to and acquire any stock or debentures or bonds or other types of securities of said Corporation and to comply with its regulations and requirements; to authorize the appointment of the Federal Deposit Insurance Corporation as receiver or liquidator of any such insured closed banking institution, and to authorize said Corporation to do any and all things appropriate in the sale or acquirement of the assets of such institutions and in the liquidation of same; to make loans to same and to its receivers and liquidators and the State Superintendent

of Banks therefor; to provide for the subrogation of said Corporation to the rights against said closed institutions of all insured depositors, whose deposits have been paid, or for the payment of which funds have been made available; to recognize the right of said Corporation to make examinations of and to require reports from such institution, and the State Superintendent of Banks to accept same in lieu of any examination or report authorized to be made to said official; to provide for disclosure by said State Superintendent of Banks to said Corporation and to the Federal Reserve Board and the Reconstruction Finance Corporation, or either or any of them, of the condition and affairs of such insured institution and access to information regarding same; to provide for the vesting of title in said Corporation of assets of such closed institutions.

To exempt banking institutions from furnishing security for any deposits to the extent such deposits are insured under Section 12B of the Federal Reserve Act, as amended."

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 388. To extend the time in which tax collectors of the several counties of Alabama may file their official bonds with the Comptroller, so that they may be filed on or before the 15th day of September next after their election; and to repeal all laws in conflict herewith.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

REPORT TO COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 373. To permit the playing of tennis, golf, baseball and operating of moving picture shows on Sunday, whether admission

is charged thereto or not, in cities of the State which now have or may hereafter have a population of not less than Twenty-Four Thousand inhabitants nor more than Sixty Thousand inhabitants, according to the last or any subsequent Federal Census and within the police jurisdiction thereof; to provide that the governing body of any such city may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city, and to provide for holding of other and subsequent elections on such acts and for cost thereof.

S. 392. To repeal an act entitled, "An Act to define sedition and prescribe the punishment therefor," which became a law under the Constitution of Alabama on July 31, 1935.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Lusk:

H. 769. To authorize, provide for and regulate a non-profit corporation for the establishment, maintenance and operation of a plan for hospitalization of citizens of Alabama in hospitals approved by the Alabama Hospital Association and the State Board of Censors of the Alabama Medical Association.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House Bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 769, to the Committee on Public Health.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. DeVane:

H. 76. To make a conditional appropriation for the acquisition of lands to be developed as forests and parks to enable the State to cooperate effectively with the United States Government in its recovery program in Alabama, and to make provision for repayment of said appropriation into the general fund.

Also:

By Mr. Dominick:

H. 871. To create a Board to be known as the "State Board of Adjustment"; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriations therefor.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

House Bills 76 and 871, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Waldrep:

H. 925. To require the probate judge of the county, circuit court clerk and the registrar of vital statistics of each registration district to furnish the board of registrars of their respective counties with certain information.

Also:

By Mr. Dominick:

H. 950. To amend an Act entitled "An Act to amend an Act entitled "An Act to amend Section 2377 of the Code of Alabama of 1923," approved July 22, 1931," approved March 15, 1933.

Also:

By Mr. Calhoun:

H. 973. To provide that all Cities in Alabama that now have, or may hereafter have a population of as much as 15,000 and less than 24,000, according to the last Federal Census, or any such census, which may hereafter be taken, shall be known and desig-

nated as "Class "D" Cities"; to provide and create a Commission Form of Municipal Government and to establish the same in all Class "D" Cities of Alabama as herein defined; to provide for a City Manager of said Cities, his authority, duties, liability and penalties, term of office and compensation; to abolish the offices of Mayor and aldermen or commissioners, as the case may be, and otherwise provide for the creation and maintenance of said Commission Form of Government and the City Manager form of Government; to provide for the selections and elections of a Chairman and two (2) associate Commissioners in lieu of Mayor and aldermen or commissioners, as the case may be; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act; to provide for the adoption of the Commission Form of Government, with City Manager Government, under the provisions of this Act by an election, of the qualified electors of such City, the manner, method and provisions for the conduct of said elections; canvass of returns and proclamation by the Mayor or other governing authority of said City; To fix the duties, powers and compensation of the Board of Commissioners .

Also:

By Mr. Waldrep:

H. 926. To amend Section 392 of the Code of 1923, as amended by An Act approved August 20, 1927, so as to read as follows:

Also:

By Mr. Poole:

H. 1034. To authorize and provide for the payment of the sum of Seventy-seven Dollars (\$77.00) for the relief of Eddie McCrory of Greenville, Alabama, who was injured on the 15th day of November, 1934 while acting in his line of duty as a deputy sheriff of Butler County, Alabama.

Also:

By Mr. Dominick:

H. 942. To provide for and authorize the closing of the county offices in court houses at twelve o'clock (noon), one day during each week, in counties having a population of not less than sixty thousand (60,000), nor more than sixty five thousand (65,000), according to the last Federal census; and to authorize the boards of revenue, or like governing bodies, of such counties to designate and determine the day during each week when such offices may be closed.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 925 and 926, to the Committee on Privilege and Elections.

House Bills 950, 973 and 942, to the Committee on Local Legislation.

H. 1034, to the Committee on Finance and Taxation.

SPECIAL ORDERS

The next Special Order to-wit:

S. 385. To provide for the publication of a Code of Alabama and to provide for the appointing of a committee to contract for the compilation, codification, annotating, indexing, printing, binding, and distributing of the public statutes of the State of Alabama of a general and permanent nature, and to provide for necessary appropriations therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Weaver
Dorsey	Mooneyham	Starnes	Wellborn
Fletcher	McDowell	Stephens	Woodall
Frazer	Parrish		

—30

Nays:—None.

The bill:

S. 403. To amend an Act entitled "An Act to Amend Section 5742 of the Code of Alabama of 1923," approved July 23, 1931.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Weaver
Dorsey	Mooneyham	Starnes	Wellborn
Fletcher	McDowell	Stephens	Woodall
Frazer	Parrish		

—30

Nays:—None.

The bill:

S. 413. To impose all the duties of the State Securities Commission of Alabama under existing law and all the duties of the Superintendent of Banks of this State, as such State Securities Commission, upon the Attorney General of Alabama; and to invest in the Attorney General of Alabama all the authority, rights, privileges and immunities of said State Securities Commission, and of the Superintendent of Banks of this State, as such State Securities Commission; and to provide that on and after the effective date of this Act the State Securities Commission shall be composed of the Attorney General of Alabama; and to provide that the State Securities Commission shall have its office in the office of the Attorney General of this State.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Tucker
Browder	Kelly	Rogers (Mobile)	Walden
Carlton	Kuykendall	Russell	Walton
Cook	Locke	St. John	Weaver
Dorsey	Mixon	Starnes	Wellborn
Fletcher	Mooneyham	Thomas	Woodall
Frazer	McDowell	Taylor	

—27

Nays:—None.

The bill:

S. 348. To exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama, and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed.

Was taken up.

Mr. Mooneyham offered the following substitute for said bill to-wit:

A BILL

To be entitled An Act to exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama, and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed:

Be it enacted by the Legislature of Alabama:

Section 1. That every bona fide permanent resident of the State of Alabama who served as an officer or enlisted man in the

United States Army, Navy or Marine Corps during the World War between April 6, 1917 and November 11, 1918, or in the Spanish-American War between April 21, 1896 and July 4, 1902, or who served as an officer or enlisted man in the Army or Navy of the Southern Confederacy during the Civil War, and who, at the time of his application for license, as hereinafter provided for, shall be physically disabled to the extent of ten per cent or more, shall, upon sufficient identification and upon sufficient proof of such disability and upon sufficient proof of being a permanent resident of this State, and upon the production of an honorable discharge from the service of the United States Army, Navy or Marine Corps during the World War or Spanish-American War, within the respective limits of time hereinabove prescribed, or from the service of the Southern Confederacy during the Civil War, be exempt from business or occupational license taxes to the extent, and subject to the conditions hereinafter specified.

Section 2. That each such veteran who shall engage in, or carry on, any business or occupation as a means of livelihood through the personal efforts of such person or through the personal efforts of such person and not more than one employee, helper or apprentice, for which business or occupation a license tax is prescribed by the State of Alabama, shall be entitled to a license from the State to so engage in, or carry on, such business or occupation upon payment of the license tax so prescribed, less all, or such portion of, such license tax as shall not exceed Twenty Five Dollars (\$25.00); provided, however, that no such person shall be entitled to the prescribed deduction or commutation in respect of more than one business or occupation for which a license tax is prescribed by law.

Section 3. That each such person who shall engage in, or carry on, any business or occupation as a means of livelihood through the personal efforts of such person or through the personal efforts of such person and not more than one employee, helper or apprentice, for which business or occupation a license tax is prescribed by or for any County of Alabama, shall be entitled to a license from such county to so engage in, or carry on, such business or occupation upon payment of the license tax so prescribed, less all, or such portion of, such license tax as shall not exceed Twenty Five Dollars (\$25.00); provided, however, that no such person shall be entitled to the prescribed deduction or commutation in respect of more than one business or occupation for which a license tax is prescribed by law.

Section 4. That each such person who shall engage in, or carry on, in his own name, any business or occupation as a means of livelihood through the personal efforts of such person or through the personal efforts of such person and not more than one em-

ployee, helper or apprentice, for which business or occupation a license tax is prescribed by any Municipality of Alabama, shall be entitled to a license from such Municipality to so engage in, or carry on, such business or occupation upon payment of the license tax so prescribed, less, all, or such portion of, such license tax as shall not exceed Twenty Five Dollars (\$25.00) provided, however, that no such person shall be entitled to the prescribed deduction or commutation in respect of more than one business or occupation for which a license tax is prescribed by law.

Section 5. Any person who assists or serves such veteran in the conduct, or carrying on, of such veteran's business or occupation shall be deemed an employee, helper or apprentice, whether such assisting person be paid any compensation for his assistance or service or not. The term "license tax," as used in this Act, shall be deemed to include any tax prescribed by a license tax schedule, but not to exclude any license tax otherwise prescribed.

Section 6. It shall be the duty of each and every official empowered or charged by law with the duty of issuing licenses in this State to issue a license to every such person as may come within the provisions of this Act, and such license, when issued, shall be marked across the face thereof "War Veteran's License—Not Transferable."

Section 7. All licenses issued under this Act shall be in the same general form as other licenses and shall expire at the same time as other licenses are fixed by law to expire.

Section 8. Proof of disability shall be made by exhibiting a Federal Government rated disability certificate to an extent of ten per cent or more, or an affidavit from an examining physician of the United States Veteran's Bureau showing that the applicant for license is physically disabled to the extent of at least ten per cent or by the production of a pension certificate issued by the United States Government or by the State of Alabama or by a certificate of the county health officer of the county in which the veteran resides, or if there be no county health officer a certificate by a reputable physician in the county in which the veteran resides, said physician's certificate to be attested before some officer authorized to administer oath.

Section 9. No exemption or commutation herein provided for shall be allowed any corporation, association or partnership, except **as to partnerships, the prescribed exemption or commutation** shall be allowed a partnership when each partner thereof would be individually entitled to an exemption hereunder: "Provided that an individual entitled to such exemption shall not be denied it by reason of being a member of a partnership in those cases when license is required of the individual members of a partnership and not of the partnership as such.

Section 10. Any license issued under the provisions of this Act shall be and/or become null and void and shall afford no protection against a prosecution for doing business without license if the same be fraudently obtained, or if the business conducted thereunder be not bona fide the business of the veteran licensee, or if the veteran shall at any time conduct his business in such manner as that he would not be entitled to exemption under the terms of this Act.

Section 11. No license herein provided for shall be issued in any county other than the county wherein the disabled veteran is a bona fide resident; provided, however, that should a disabled veteran holding a veterans license desire to engage in a business or occupation in a county in this State other than the county in which he has secured such veterans license, he shall produce the license issued to him in the county of his residence to the probate judge of the county where he desires to do business and if the license in such other county together with the license issued in the county of his residence does not exceed the Twenty Five Dollars (\$25.00) exemption herein granted he shall be exempt to such extent, and such probate judge shall countersign the license obtained in his county without charge or fee and it shall thereafter be as valid as though issued by the probate judge of the county of his residence.

Section 12. Any Probate Judge, City Clerk, or City Comptroller, who wilfully fails or refuses to issue any licenses applied for by a veteran entitled to the benefits of this Act shall be guilty of a misdemeanor and shall be prosecuted as provided by law.

Section 13. If any section or provision, phrase or sentence of this Act shall be held void or unconstitutional such holding shall not affect or destroy the validity or constitutionality of any other section, provision phrase or sentence of such Act which is not of itself unconstitutional or void.

Section 14. Any veteran whose property both real and personal is valued at Five Thousand (\$5000.00) Dollars or more shall be precluded from the exemptions granted herein; nor shall a veteran whose net annual income is Twelve Hundred Dollars (\$1200.00) or more be entitled to the exemption herein granted.

Section 15. This Act shall take effect upon its approval by the Governor.

Mr. Carlton moved to postpone further consideration of said bill and the pending substitute until the fiftieth Legislature Day.

Mr. Mooneyham moved to table the motion to postpone, which motion prevailed, and the motion to postpone was laid on the table.

Yeas, 19; Nays, 13.

Yeas:

Messrs.:

Chesnut	Mooneyham
Glover	McDowell
Kelly	Parrish
Kuykendall	Riddle
Locke	Russell

St. John
Simpson
Starnes
Swift
Taylor

Tucker
Walton
Weaver
Woodall

—19

Nays:

Messrs.:

Bonner	Dorsey
Browder	Fletcher
Carlton	Frazer
Cook	

Mixon
Rogers (Mobile)
Stephens

Thomas
Walden
Wellborn

—13

Mr. Rogers of Mobile offered the following amendment to the substitute offered by Mr. Mooneyham to-wit:

Amend the substitute for Senate Bill No. 348 by striking from Section 1 the words "ten per cent or more" and substituting in lieu thereof the words "twenty-five per cent or more, which disability must be service connected."

On motion of Mr. Mooneyham said amendment was laid on the table.

Yeas, 19; Nays, 10.

Yeas:

Messrs.:

Chesnut	Mooneyham
Glover	Parrish
Kelly	Riddle
Kuykendall	Russell
Locke	St. John

Simpson
Starnes
Stephens
Swift
Taylor

Thomas
Tucker
Weaver
Woodall

—19

Nays:

Messrs.:

Bonner	Cook
Browder	Dorsey
Carlton	Fletcher

Frazer
Mixon

Rogers (Mobile)
Wellborn

—10

PAIR ANNOUNCED

Mr. Walden announced that he and Mr. Walton were paired on the vote; that Mr. Walton, if present, would vote "aye", and he, Mr. Walden, would vote "no".

Mr. Rogers of Mobile offered the following amendment to said substitute to-wit:

Amend the substitute by striking from all Sections the words, "ten per cent" wherever they appear and by substituting therefor the words "twenty-five per cent."

Which was adopted.

The question then recurred on the adoption of the substitute offered by Mr. Mooneyham, as amended, and the substitute was adopted.

Yeas, 24; Nays, 7.

Yeas:

Messrs.:

Browder	Kelly	Parrish	Stephens
Chesnut	Kuykendall	Riddle	Taylor
Cook	Locke	Russell	Thomas
Fletcher	Mixon	St. John	Tucker
Frazer	Mooneyham	Simpson	Walton
Glover	McDowell	Starnes	Woodall

—24

Nays:

Messrs.:

Bonner	Dorsey	Walden	Wellborn
Carlton	Rogers (Mobile)	Weaver	

—7

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 4.

Yeas:

Messrs.:

Browder	Kelly	Riddle	Swift
Carlton	Kuykendall	Rogers (Mobile)	Taylor
Chesnut	Locke	Russell	Thomas
Cook	Mixon	St. John	Tucker
Fletcher	Mooneyham	Simpson	Walton
Frazer	McDowell	Starnes	Weaver
Glover	Parrish	Stephens	Woodall

—28

Nays:

Messrs.:

Bonner	Dorsey	Walden	Wellborn
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—4

The bill:

H. 506. To amend Section 9257 of the Code of Alabama of 1923, regarding printing and publication of legal advertisements.

Was taken up.

Mr. Stephens offered the following amendment to said bill to-wit:

Amend H. B. 506:

Amend Sec. 1 of said bill by inserting the words "in whole or in part" immediately following the words "newspaper must be printed" where the same occur together therein.

Further amend same by inserting, immediately following the words "a general circulation in the County in which it is published" where the same occurs together therein the following additional words: viz, "which newspaper shall have been mailed under the second class mailing privilege of the United States Postoffice De-

partment from the postoffice where it is published for fifty-two (52) consecutive weeks."

Which was adopted.

Yeas, 22; Nays, 8.

Yeas:

Messrs.:

Bonner	Glover	Russell	Thomas
Browder	Kuykendall	Simpson	Tucker
Carlton	Locke	Stephens	Walton
Chesnut	Mixon	Swift	Weaver
Cook	Parrish	Taylor	Wellborn
Fletcher	Riddle		

—22

Nays:

Messrs.:

Dorsey	Mooneyham	St. John	Walden
Kelly	Rogers (Mobile)	Starnes	Woodall

—8

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 16; Nays, 12.

Messrs.:

Bonner	Fletcher	Russell	Thomas
Browder	Glover	Simpson	Tucker
Chesnut	Kuykendall	Stephens	Walton
Cook	Mixon	Swift	Weaver

—16

Nays:

Messrs.:

Carlton	Locke	Rogers (Mobile)	Taylor
Dorsey	Mooneyham	St. John	Walden
Kelly	Riddle	Starnes	Woodall

—12

REPORT OF CONFERENCE COMMITTEE

To the Senate and House of Representatives:

We, the conferees on the part of the Senate and House of Representatives on the disagreement of the two Houses on Senate Bill 365, beg to report as follows:

1. We recommend that the House recede from the amendment as follows: "Amend Senate Bill 365 by striking therefrom Sub-Section 1 of Section 5 thereof."

2. We recommend that the House recede from the amendment as follows: "To amend Senate Bill No. 365 by adding thereto Section 17-A. Provided, however, that all Stores, Commissaries, Repair Shops and other similar enterprises of the Department of Public Welfare or any agency thereof be discontinued to protect merchants, who are operating under the State Laws of the State of Alabama, and who are entitled to protection by the State of Alabama against enterprises that are not licensed within the State of Alabama. Provided, also that any and all orders for groceries issued by said Department of Public Welfare, or any agency thereof, be tradeable at any licensed store and that no discrimination be made as to where the said orders must be filled, thereby giving every licensed conier

the same opportunity to benefit from funds and orders paid to workers employed by any agency or department of the said Department of Public Welfare."

3. We recommend that the Senate pass the following amendments adopted by the House:

"Amend Senate Bill No. 365 by adding after the word "Created" on line eight, page four the following: Provided, however, the State Board shall not disqualify those Child Welfare Workers from holding office, if they have had at least four years experience as a Child Welfare Worker in Alabama for the past four years prior to the passage of this Act, on account of education requirement, training, previous experience and general efficiency."

"Amend Senate Bill 365 by adding Section 20 thereto as follows: Section 20. Nothing in this Act shall be construed to transfer to State or County Public Welfare Boards any functions, responsibilities, duties, or services now authorized by law to be performed by State, County or City Boards of Education. Nor shall this Act give authority to State or County Public Welfare Boards for the administration or supervision of the administration of any State or Federal appropriations, grants, aids, gifts, or loans now being administered or which may hereafter be administered by the State Board of Education and local school authorities."

"Amend Senate Bill 365, Section 15, beginning with "same manner as heretofore provided in the County Child Welfare Board Act" line 2 page 10 by adding thereto the following: "Provided that the County or City Board of Education shall have complete charge of the services of the persons employed for the joint service of School Attendance and Welfare for the same proportion of the joint worker's time as the amount appropriated by the county or City Board of Education bears to the total amount appropriated by the local county or city officials for the joint service."

"Amend Senate Bill 365, Section 12 by striking out the period at the end of line 7 on page 8 of the printed copy and further by striking out in line 8, page 8 of the printed copy the words "he or she shall be appointed from a list of eligibles certified by the Commissioner as."

"Amend Senate Bill 365 by adding at the end of line 22, page 3, Section 4 of said Bill, after the word "Board," the following words: "With the approval of the Governor, not to exceed thirty-six hundred dollars."

Further amend said Bill by striking out the first paragraph of Section 11 of said Bill and insert in lieu thereof the following: "Section 11. The County Board of Public Welfare shall consist of seven members, not less than two of whom shall be women, selected by the County Court of Commissioners or County Board of Revenue or other governing body of the County from the citizenship of the county on the basis of their recognized interest in the public welfare, provided that in counties in which there are cities having a population of sixty thousand or more, according to the last Federal Census, the city commission or other governing body of the city shall have equal authority with the County Board of Revenue or other governing body of the County in selecting the membership of the County Board of Public Welfare."

4. We recommend that the Bill be passed as so amended.

WILL O. WALTON,
G. R. SWIFT,
EDGAR P. RUSSELL,
Conferees on part of the Senate.
W. C. HARRISON,
JNO D. CHICHESTER,
N. D. DENSON,
Conferees on Part of the House.

CONFERENCE REPORT

On motion of Mr. Walton, the Senate concurred in and adopted the foregoing report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

S. 365. To create a State Department of Public Welfare; to provide for a State Board of Public Welfare for the government thereof; to prescribe its powers and duties; to provide for the appointment of a Commissioner as Executive Officer and for the appointment of other employees, their compensation and the maintenance and other expenses of the State Department of Public Welfare; to transfer to the State Department of Public Welfare all the powers, duties, and obligations now vested in and relating to the State Child Welfare Department, except the administration of the State Child Labor Law, which may now or hereafter be transferred to the Department of Labor in the event such department be established; to transfer to the State Department of Public Welfare all those duties having to do primarily with the determination of need and authorization of relief now performed by the Alabama Relief Administration; to empower the State Department of Public Welfare to administer all public assistance funds, child welfare funds, and all funds appropriated by the Legislature to the State Department of Public Welfare for the purposes of which they are appropriated; to authorize the State Department of Public Welfare to act as agent for and to cooperate with any Federal or State agency or enactment now or hereafter provided by law for the purpose of rendering public assistance and services through any of the bureaus herein created; to authorize the State Board of Public Welfare to create such other bureaus and divisions within the purview of this Act as may be necessary for its administration and to prescribe rules and regulations governing the same; to authorize the State Board of Public Welfare to prescribe adequate standards of education, training and experience which must have been attained by persons selected for the positions to be filled in each of the bureaus and divisions of the State Department of Public Welfare and in the several county departments of public welfare; to authorize the State Board of Public Welfare to issue certificates to such persons as may meet the qualifications prescribed; to provide a mental hygiene program of non-institutional care; to authorize the State Department of Public Welfare to collect statistics and other information relative to public welfare and to make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for public assistance, family welfare, child welfare and other welfare activities; to create county departments of public welfare and to provide for county boards of public welfare for the government thereof; to prescribe their powers and duties; to transfer to the county boards of public welfare

and the county departments of public welfare all rights, duties, powers and obligations of the present county child welfare boards; to authorize the county departments of public welfare, operating under the county boards of public welfare, to act as agents for and to cooperate with any Federal, State or County agency or enactment now or hereafter provided by law for the purpose of rendering public assistance, family welfare services and child welfare services; and to repeal all laws in conflict herewith.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Taylor
Browder	Kuykendall	Russell	Thomas
Chesnut	Locke	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Parrish	Swift	Woodall

—28

Nays:—None.

And said bill, as thus amended by the report of the Committee of Conference, was again read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Woodall
Glover	Riddle		

—30

Nays:—None.

The bill:

S. 395. To create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6th, 1933, entitled

"An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same and to retain the right to amend or repeal this Act.

Was taken up.

Mr. Stephens offered the following amendment to said bill to-wit:

Amend subparagraph (k) of Section 2 of S. B. 395 by striking therefrom the words "two dollars" where the same appear together therein, and insert in lieu thereof the words "one Dollar."

Amend Subsection (b) of Section 4 of S. B. 395 by striking therefrom paragraphs numbered (1), (2) and (3), and inserting in lieu thereof the following:

"(1) With respect to employment during the calendar year 1936 the rate shall be ninety one-hundredths (.90) of one per centum;

(2) With respect to employment during the calendar year 1937 the rate shall be one and eighty one-hundredths (1.80) of per centum;

(3) With respect to employment during the calendar year 1938 and thereafter the rate shall be two and seventy one-hundredths (2.70) of per centum."

Amend Senate Bill 395 by inserting, in the title thereof, on the next to the last line, a semi-colon after the word "same."

Amend Subsection (e) of Section 5 of S. B. 395 by striking therefrom the words and figures "eighteen (18)" where the same appear together therein, and inserting in lieu thereof the words and figures "sixteen (16)."

Amend subsection (b) of Section 17 of S. B. 395 by inserting therein immediately following the "\$" where the same occurs therein, the figures "10,000."

Amend Subsection (e) of Section 10 of S. B. 395 by adding at the end thereof the following additional words and figures:

"Said state-wide advisory council shall assemble immediately upon their appointment by the Governor and institute a careful study and analysis of the National Security Act and of its relation to this Act and to the other Acts and laws of the State of Alabama designed to coordinate this State and its institutions with the plans and purposes of the Federal Government as expressed in its said

Security Act. Said council shall at its earliest possible convenience prepare recommendations as to changes, amendments or modifications of such Acts and laws of the State of Alabama, and particularly this Act, and said recommendations shall be submitted to the Governor and to the Legislature at its next session and at such succeeding sessions as said council may deem proper."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Thomas
Browder	Kelly	St. John	Tucker
Carlton	Kuykendall	Simpson	Walden
Chesnut	Locke	Stephens	Walton
Cook	Mixon	Swift	Weaver
Dorsey	Parrish	Taylor	Woodall
Fletcher	Rogers (Mobile)		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Woodall
Glover	Riddle		

—30

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the Two Houses on the House amendment to the following Senate bill:

S. 365. To create a State Department of Public Welfare; to provide for a State Board of Public Welfare for the government thereof; to prescribe its powers and duties; to provide for the appointment of a Commissioner as Executive Officer and for the appointment of other employees, their compensation and the maintenance and other expenses of the State Department of Public Welfare; to transfer to the State Department of Public Welfare all the powers, duties, and obligations now vested in and relating

to the State Child Welfare Department, except the administration of the State Child Labor Law, which may now or hereafter be transferred to the Department of Labor in the event such department be established; to transfer to the State Department of Public Welfare all those duties having to do primarily with the determination of need and authorization of relief now performed by the Alabama Relief Administration; to empower the State Department of Public Welfare to administer all public assistance funds, child welfare funds, and all funds appropriated by the Legislature to the State Department of Public Welfare for the purposes of which they are appropriated; to authorize the State Department of Public Welfare to act as agent for and to cooperate with any Federal or State agency or enactment now or hereafter provided by law for the purpose of rendering public assistance and services through any of the bureaus herein created; to authorize the State Board of Public Welfare to create such other bureaus and divisions within the purview of this Act as may be necessary for its administration and to prescribe rules and regulations governing the same; to authorize the State Board of Public Welfare to prescribe adequate standards of education, training and experience which must have been attained by persons selected for the positions to be filled in each of the bureaus and divisions of the State Department of Public Welfare and in the several county departments of public welfare; to authorize the State Board of Public Welfare to issue certificates to such persons as may meet the qualifications prescribed; to provide a mental hygiene program of non-institutional care; to authorize the State Department of Public Welfare to collect statistics and other information relative to public welfare and to make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for public assistance, family welfare, child welfare and other welfare activities; to create county departments of public welfare and to provide for county boards of public welfare for the government thereof; to prescribe their powers and duties; to transfer to the county boards of public welfare and the county departments of public welfare all rights, duties, powers and obligations of the present county child welfare boards; to authorize the county departments of public welfare, operating under the county boards of public welfare, to act as agents for and to cooperate with any Federal, State or County agency or enactment now or hereafter provided by law for the purpose of rendering public assistance, family welfare services and child welfare services; and to repeal all laws in conflict herewith.

And said bill, as amended by the report, was again read a third time at length and passed.

And said bill, together with the amendment is herewith returned to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

By Mr. Kelly:

S. 308. To provide for the expenditure of funds now or hereafter made available for the conduct of public health work in this State; to provide for the election and compensation of the State Health Officer and to fix his term of office and to provide for the manner of determining compensation of employees of the State Health Department.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kelly, the Senate concurred in the following amendment by the House to S. 308, the title of which is set out in the foregoing Message from the House to-wit:

Amend Section 2 of S. 308 so as to read as follows:

Section 2. The State Health Officer shall be elected by the State Board of Health and shall hold office for a term of five years and until his successor has been elected and has qualified. His compensation during said term of office shall be fixed by the State Board of Health, provided that the salary shall remain as fixed by the Legislature of 1933 until such time as salaries of other departmental heads have been adjusted; and provided further that it shall not then exceed the amount paid the Chief Justice of the Supreme Court.

Yeas, 28; Nays, 1.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Stephens	Walden
Cook	McDowell	Starnes	Walton
Fletcher	Parrish	Simpson	Weaver
Glover	Riddle	Swift	Woodall

—28

Nay: Mr. Dorsey

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Hendley:

H. 986. To provide plans of apportionment and distribution of school funds by county boards of education to boards of education of independent cities in the county.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 986, to the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 305 To authorize the guardians of the estates of minors, persons non compos mentis, or any other persons to make mineral leases upon the real estate belonging to their wards; to define "Minerals" as used in this Act; to define "Real Estate" and "Property" as used in this Act, and to repeal sections 8155, 8156, 8157, and 8158 of the 1923 Code of Alabama.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

The next Special Order, to-wit:

H. 646. To amend Section 6, of Article One of an Act entitled an Act, "To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers and duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment

of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads; persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue; Approved August 23, 1927," as amended by an Act entitled an Act, "To amend Section 6, of Article One of an Act entitled an Act, "To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers and duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning Toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads; persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue; Approved April 10, 1931.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Stephens	Walton
Cook	Mooneyham	Swift	Weaver
Dorsey	McDowell	Taylor	Woodall
Glover	Riddle		

—26

Nays:—None.

The bill:

S. 387. To amend the title and Section 2 of an Act entitled, "An Act to authorize any county, incorporated city or town in the State of Alabama, subject to the limitations herein stated, to acquire by gift or purchase, to construct, reconstruct, to improve, to better or to extend and maintain and operate causeways, tunnels, viaducts, bridges and other crossings, highways, parks, parkways, airports, docks, piers, wharves, seaport or river terminals, hospitals, public markets, tennis courts, swimming pools, golf courses, stadiums, armories, auditoriums, and other public buildings of all kinds, incinerator plants, water systems, gas or electric heat, light or power systems for public and private uses, cold storage plants, cooling plants, sterilization plants, warehouses, graneries, and any other plants, works, machinery or equipment useful for the preservation or preparation of agricultural products for market or use and for the conversion of agricultural products into usable and marketable products, to authorize the issuance of Revenue Anticipation Bonds payable solely from the revenue of such undertakings to finance the same, providing for the payment of such bonds and the rights and remedies of the holders thereof and for the conditions and other provisions under which the same may be issued; and to authorize the fixing and collection of rates, fees, tolls, rents and other charges for the services, facilities, and commodities afforded by such undertaking," known as House Bill No. 482, approved June 25, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; *Nays*, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Thomas
Browder	Kuykendall	Rogers (Mobile)	Tucker
Carlton	Locke	Russell	Walden
Chesnut	Mixon	St. John	Walton
Cook	McDowell	Simpson	Weaver
Dorsey	Parrish	Starnes	Woodall
Fletcher			

—25

Nays:—None.

The bill:

S. 406. To provide authority for the State Board of Education and/or the trustees of all State Institutions, where education is a part of the program of the Institution, to borrow money from Federal Agencies for the erection of buildings, beautification of grounds, and the erection and maintenance of swimming pools at the several State Institutions; to authorize the issuance of bonds, warrants or other evidences of debt for the repayment of the amount borrowed with interest at a rate not to exceed four per cent semi-annually, and to pledge therefor the fees from students to be levied by the Institution for which the money is borrowed, and any other moneys not appropriated by the State to said Institution; to make such bonds, warrants or other evidences of debt not an obligation of the State and not payable out of any moneys provided by the State.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Rogers (Mobile)		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 545. To provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed.

E. F. Taylor,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

RESOLUTIONS

The Rules Committee reported the following Senate Resolution:

S. R. 111. BE IT RESOLVED BY THE SENATE, that subordinate officers and employes of the Senate remain the same during Recess taken today as when the two Houses are in session, and draw the same pay.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

Mr. Swift offered the following Senate Resolution:

S. R. 112. RESOLVED, that when the Senate recesses today for supper, no bills will be passed on reconvening tonight.

Resolved, further, that when the Senate adjourns today, bills remaining on Special Order, will be made Special, Paramount and Continuing Order for the next Legislative Day.

Which was adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 365. To create a State Department of Public Welfare; to provide for a State Board of Public Welfare for the government thereof; to prescribe its powers and duties; to provide for the appointment of a Commissioner as Executive Officer and for the appointment of other employees, their compensation and the maintenance and other expenses of the State Department of Public Welfare; to transfer to the State Department of Public Welfare all the powers, duties, and obligations now vested in and relating to the State Child Welfare Department, except the administration of the State Child Labor Law, which may now or hereafter be transferred to the Department of Labor in the event such department be established; to transfer to the State Department of Public Welfare all those duties having to do primarily with the determination of need and authorization of relief now performed by the Alabama Relief Administration; to empower the State Department of Public Welfare to administer all public assistance funds, child wel-

fare funds, and all funds appropriated by the Legislature to the State Department of Public Welfare for the purposes of which they are appropriated; to authorize the State Department of Public Welfare to act as agent for and to cooperate with any Federal or State agency or enactment now or hereafter provided by law for the purpose of rendering public assistance and services through any of the bureaus herein created; to authorize the State Board of Public Welfare to create such other bureaus and divisions within the purview of this Act as may be necessary for its administration and to prescribe rules and regulations governing the same; to authorize the State Board of Public Welfare to prescribe adequate standards of education, training and experience which must have been attained by persons selected for the positions to be filled in each of the bureaus and divisions of the State Department of Public Welfare and in the several county departments of public welfare; to authorize the State Board of Public Welfare to issue certificates to such persons as may meet the qualifications prescribed; to provide a mental hygiene program of non-institutional care; to authorize the State Department of Public Welfare to collect statistics and other information relative to public welfare and to make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for public assistance, family welfare, child welfare and other welfare activities; to create county departments of public welfare and to provide for county boards of public welfare for the government thereof; to prescribe their powers and duties; to transfer to the county boards of public welfare and the county departments of public welfare all rights, duties, powers and obligations of the present county child welfare boards; to authorize the county departments of public welfare, operating under the county boards of public welfare, to act as agents for and to cooperate with any Federal, State or County agency or enactment now or hereafter provided by law for the purpose of rendering public assistance, family welfare services and child welfare services; and to repeal all laws in conflict herewith.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 347. To abolish the office of County Treasurer for St. Clair County, Alabama, and to establish a County Depository in lieu of County Treasurer for St. Clair County, Alabama, to provide for security of County funds in such depository, and to prescribe the duties of such depository; to provide for payment of all County funds to the depository and the method thereof; to provide for the designation of a County Treasurer and his duties and compensation, if the Court of County Commissioners of St. Clair County, Alabama, shall be unable to secure a depository as herein provided.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the bills:

H. 547. To provide funds for the maintenance and operation of public libraries in incorporated towns or cities in Counties of the State of Alabama having not less than 100,000 nor more than 200,000 population.

Also:

H. 540. To require that twenty-five per cent of the total funds received by Lawrence County, Alabama, from the levy and collection by the State of gasoline taxes or taxes on other motor fuels, be used for the purpose of paying the principal of all county road debt contracted prior to October 1, 1935, including bonds of said county issued for the purpose of building public roads in said county; to provide that the Board of Revenue shall ascertain during the month of October, 1935, and register in a book of permanent record and publish in the county paper, or cause such to be done, the various amounts of all the road debts of the county, specifying particularly the amounts owed, to whom such amounts are owed, when such amounts are due and the interest rate, if any, thereon; to provide for the permanent continuation of this record and to provide the method for the retirement of such indebtedness.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined

the Journal of the Senate for the Forty-fourth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Forty-fourth Legislative day approved by the Senate.

ADJOURNMENT

At 5:45 P. M., on motion of Mr. Woodall and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, September 3rd, 1935, at 10 A. M.

FORTY-FIFTH DAY

Tuesday, September 3rd, 1935.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Senator Chesnut of Cherokee County.

ROLL CALL

Present:

Messrs.:			
Bonner	Glover	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	McDowell	Swift	Woodall
Frazer	Parrish		

—30

JOURNAL

On motion of Mr. Tucker, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fletcher, indefinite leave of absence was granted Mr. Weaver on account of illness.

INTRODUCTION OF BILLS

Upon a call of district bills were introduced, severally read one time and referred to appropriate standing committees, as follows: By Mr. Kuykendall:

S. 429. For the Relief of the People of the Town and Community of Kennedy, in Lamar County, Alabama, composing Kennedy School District No. 1.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

To Whom It May Concern:

Notice is hereby given in accordance with Section 106 of the Constitution of Alabama, that there will be introduced in the present session of the Legislature of Alabama, a bill, the substance of which provides for the relief of the people of the town and community of Kennedy, Alabama, for expenditures made in the erection of a Grammar and High School, and to authorize an appropriation by the State of Alabama therefor, and to provide for the proper application and distribution of said appropriation.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA, }
LAMAR COUNTY. }

Personally appeared before me, a Judge of Probate in and for the said State and County, Lee Barnes who, after being duly cautioned and sworn, deposeth and says as follows: That he is the Publisher of The Lamar Democrat, a weekly newspaper, published in the State of Alabama, County of Lamar, Town of Vernon, and that a legal notice was published for 4 (Four) consecutive weeks in the above named paper August 7, 14, 21, 28, 1935, copy of which advertisement is hereto attached.

Lee Barnes.

Sworn to and subscribed before me, this 29th day of August 1935.

S. G. Johnson.

(Seal)

Judge of Probate.

By Mr. Simpson:

S. 430. To amend Section 8 of An Act of the Legislature approved August 27, 1935, entitled "An Act to create a State Department of Public Welfare to provide for a State Board of Public Welfare for the government thereof; to prescribe its powers and duties; to provide for the appointment of a Commissioner as Executive Officer and for the appointment of other employees, their compensation and the maintenance and other expenses of the State Department of Public Welfare; to transfer to the State Department of Public Welfare all the powers, duties, and obligations now vested in and relating to the State Child Welfare Department, except the administration of the State Child Labor Law, which may now or hereafter be transferred to the Department of Labor in the event such department be established; to transfer to the State Department of Public Welfare all of those duties having to do primarily with the determination of need and authorization of relief

now performed by the Alabama Relief Administration; to empower the State Department of Public Welfare to administer all public assistance funds, Child Welfare funds, and all funds appropriated by the Legislature to the State Department of Public Welfare for the purposes for which they are appropriated; to authorize the State Department of Public Welfare to act as agent for and to cooperate with any Federal or State Agency or enactment now or hereafter provided by law for the purpose of rendering public assistance and services through any of the bureaus herein created; to authorize the State Board of Public Welfare to create such other bureaus and divisions within the purview of this Act as may be necessary for its administration and to prescribe rules and regulations governing the same; to authorize the State Board of Public Welfare to prescribe adequate standards of education, training and experience which must have been attained by persons selected for the positions to be filled in each of the bureaus and divisions of the State Department of Public Welfare and in the several county departments of public welfare; to authorize the State Board of Public Welfare to issue certificates to such persons as may meet the qualifications prescribed; to provide a mental hygiene program of non-institutional care; to authorize the State Department of Public Welfare to collect statistics and other information relative to public welfare and to make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for public assistance, family welfare, child welfare, and other welfare activities; to create county departments public welfare and to provide for county boards of public welfare for the government thereof; to prescribe the powers and duties; to transfer to the County Boards of public welfare and the county departments of public welfare all rights, duties, powers and obligations of the present county child welfare boards; to authorize the county departments of public welfare, operating under the county boards of public welfare, to act as agents for and to cooperate with any Federal, State or County agency or enactment now or hereafter provided by law for the purpose of rendering public assistance, family welfare service and child welfare services; and to repeal all laws in conflict herewith."

Committee on Local Legislation.

REPORTS OF COMMITTEES

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen (of Etowah):

H. 496. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Mr. Tucker, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Dominick (with notice and proof):

H. 1000. To authorize and direct the Board of Revenue of Tuscaloosa County, Alabama, to pay for advertising the notice and substance of local bills, to be introduced in the Legislature for said county, out of any money in the Treasury of Tuscaloosa County not otherwise appropriated, when the bill applies to the entire county and the notice is signed by all the Tuscaloosa County Representatives and also by the State Senator from the Eleventh Senatorial District, and this Act shall apply to and include the notice and substance of bills advertised prior to and during the present session of the Legislature.

By Mr. Chichester:

H. 542. To amend subdivision 2 of Section 9896 of the Code of Alabama, 1923, as amended by an act entitled, "An act to amend paragraphs (f) and (g) of Section 9879 and Section 9880 of the Code of Alabama, 1923, as amended by an Act entitled, 'An Act to amend Section 9879 and 9880 of the Code of Alabama, 1923' approved by the Governor, September 9th, 1927; also to amend Sections 9878, 9885, 9887, 9890, 9891, 9892, 9896, 9899 and 5402 of the Code of Alabama, 1923; and to provide for the registration of securities, dealers in and salesmen of securities and the regulation, supervision, suspension, cancellation and revocation thereof; and to fix penalties and to provide remedies for the violation of this act; and to provide for the protection of the public (purchasers and holders of securities) by injunction, receivership and other equitable remedies at the instance of the State of Alabama." Approved by the Governor, July 28th, 1931 (General Acts of Alabama, 1931, pages 783-801).

Mr. McDowell, Chairman of the Standing Committee on Constitution and Constitutional Revision, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report and it was read a second time and placed on the calendar, to-wit:

By Mr. Dominick:

H. 967. To submit to the qualified voters of the State of Alabama, at an election to be held when the first general election on any question is submitted to the legal voters of Alabama, but said election not to be held within three months from and after the final

adjournment of the present regular session of the 1935 Legislature, for their consideration, and amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Calhoun, and Tuscaloosa; and, whereby all Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable or purporting to be applicable to any or all of said Counties; and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed.

The above bill was read a second time at length as required by the Constitution.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 305. To authorize the guardians of the estates of minors, persons non compos mentis, or any other persons to make mineral leases upon the real estate belonging to their wards; to define "Minerals" as used in this Act; to define "Real Estate" and "Property" as used in this Act, and to repeal sections 8155, 8156, 8157 and 8158 of the 1923 Code of Alabama.

S. 308. To provide for the expenditure of funds now or hereafter made available for the conduct of public health work in this State; to provide for the election and compensation of the State Health Officer and to fix his term of office and to provide for the manner of determining compensation of employees of the State Health Department.

S. 347. To abolish the office of County Treasurer for St. Clair County, Alabama, and to establish a County Depository in lieu of County Treasurer for St. Clair County, Alabama, to provide for security of County funds in such depository, and to prescribe the duties of such depository; to provide for payment of all County funds to the depository and the method thereof; to provide for the designation of a County Treasurer and his duties and compensation, if the Court of County Commissioners of St. Clair County, Alabama, shall be unable to secure a depository as herein provided.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Kelly (by request):

H. 947. To provide for the nomination in writing by the County Superintendent of Education of Clay County, Alabama, or by any member of the County Board of Education of Clay County, Alabama, for appointment, the names of all persons to be nominated as principals and teachers of the schools of said County and all regular employees of the County Board of Education of Clay County, Alabama, and to provide for the appointment of all such principals and teachers of the schools of said County and all regular employees of said County Board of Education of Clay County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF INTENTION TO INTRODUCE BILL FOR NEW
LOCAL LAW

Notice is hereby given that a bill will be introduced, to be enacted into law, in the Legislature of the State of Alabama, at the present session thereof, the substance of which said bill will be and is as follows, to-wit:

To provide for the nomination in writing by the County Superintendent of Education of Clay County, Alabama, or by any member of the County Board of Education of Clay County, Alabama, for appointment, the names of all persons to be nominated as principals and teachers of the schools of said County and all regular employees of the County Board of Education of Clay County, Alabama, and to provide for the appointment of all such principals and teachers of the schools of said County and all regular employees of the said County Board of Education of Clay County, Alabama.

PUBLISHER'S CERTIFICATE OF PUBLICATION

THE STATE OF ALABAMA, }
CLAY COUNTY. }

Before me in and for said County, personally appeared R. M. Ussery who being first duly sworn, deposes and says that he is the publisher of the Ashland Progress, a newspaper published weekly in Ashland, Clay County, Alabama, and that the notice of Intention to Introduce Bill for New Local Law a copy of which is attached hereto, was published in said news-

paper for four consecutive weeks, commencing in the issue of June 13, 1935 and ending in the issue of July 4, 1935.

R. M. Ussery,
Publisher.

Sworn to and subscribed before me, this 10th day of August, 1935.

W. C. Dempsey,
Notary Public.

(Seal)

Also:

By Mr. Kelly:

H. 1007. To authorize the Town of Ashland, Alabama, to acquire all of the assets of the Ashland Railway Company, or to acquire the capital stock, or the majority of the capital stock, thereof; to maintain and operate said railroad; to provide for an election to determine whether said town shall acquire such property and to provide for the payment thereof and the payment of maintenance and operation thereof.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF INTENTION TO INTRODUCE A LOCAL BILL

Notice is hereby given that a Local Bill will be introduced in the Legislature which will, in substance, authorize the Town of Ashland, Alabama, to acquire, maintain and operate the railroad known as The Ashland Railway Company, running from Ashland, Alabama, to Pyriton, Alabama, together with all its rolling stock equipment and property; or to acquire the capital stock of such railway company and to operate and maintain such railroad as the owner of such capital stock; to authorize said town to pay for said railroad or said capital stock in said company and, or to issue and sell its obligations to raise money to acquire said property, or to exchange for such property, and to provide for payment of such obligations and the interest thereon; to authorize said town to pay any deficit which may result from the operation of said railroad from any funds of the said Town not otherwise pledged; and to provide for an election to be held in said Town to determine whether said town shall acquire such property and operate the same, and to provide the laws governing such election.

PUBLISHER'S CERTIFICATE OF PUBLICATION

THE STATE OF ALABAMA, }
CLAY COUNTY. }

Before me M. L. Allen, a Notary Public in and for said County, personally appeared R. M. Ussery who being first duly sworn, deposes and says that he is the publisher of the Ashland Progress, a newspaper published weekly in Ashland, Clay county, Alabama, and that the notice of Intention to Introduce a Local Bill a copy of which is attached hereto, was published in said newspaper for four consecutive weeks, commencing in the issue of July 11, 1935 and ending in the issue of August 1, 1935.

R. M. Ussery,
Publisher.

Sworn to and subscribed before me, this 20 day of Aug. 1935.

M. L. Allen,
Notary Public.

(Seal)

Also:

By Messrs. Glover & Parish (Henry):

H. 1012. To provide for the election of three school district trustees in the several school districts of Henry County, Alabama, by the bona fide patrons of said districts and who reside therein; to provide for the holding of such elections by and under the supervision of the County Superintendent of Education of Henry County; to fix the term of office of said school trustees and the election of their successors; and to provide for filling vacancies in such office; to prescribe their duties, powers and authority as such trustees in the several school districts of the County; and to repeal all laws and parts of laws in conflict with the provisions and purposes of this Act:

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE is hereby given that application will be made at the present (1935) session of the Legislature of Alabama for the introduction and passage of the following local bill for Henry County, Alabama:

AN ACT

To provide for the election of three school district trustees in the several school districts of Henry County, Alabama, by the bonafide patrons of said districts and who reside therein; to provide for the holding of such election; to provide for the appointment of officers of such elections by and under the supervision of the County Superintendent of Education of Henry County; to fix the term of office of said school trustees and the election of their successors, and to provide for filling vacancies in such office; to prescribe their duties, powers and authority as such trustees in the several school districts of the County; and to repeal all laws and parts of laws in conflict with the provisions and purposes of this Act.

J. C. Merritt.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA, }
HENRY COUNTY, }

Before me, Carl S. Farmer, a Notary Public in and for said county, in said State, personally appeared R. M. Fuller, who is known to me, and who by me being duly sworn, deposes and says that he is the editor and publisher of The Abbeville Herald, a newspaper published in the town of Abbeville, County of Henry, State of Alabama; that the attached notice is a true and correct copy of the notice which was published in said newspaper for four consecutive weeks, on, to-wit: May 9, 16, 23 and 30, 1935.

R. M. Fuller,

Editor and Publisher, The Abbeville Herald.

Sworn to and subscribed before me, this 21st day of August, 1935.

Carl S. Farmer,

Notary Public, Henry County, Alabama.

Also:

By Mr. Calhoun:

H. 1013. To create and establish Road and Bridge Department, and Road and Bridge Foreman, for Houston County, and to

abolish County Road Foreman; fix the duties, salary, manner of payment of said Foreman; fix requirement of Foremen to give bond on entering work as Foreman; provide for place for office of Road and Bridge Department and set out who shall have control over said Department; further to provide for necessary means and transportation of Foreman in carrying out his work; How Road and Bridge Foreman is employed and the duration and term of his office.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following Bill will be introduced in the Legislature of the State of Alabama at the session which reconvened on July 30, 1935.

A BILL TO BE ENTITLED AN ACT

To create and establish Road and Bridge Department, and Road and Bridge Foreman, for Houston County, and to abolish County Road Foreman; fix the duties, salary, manner of payment of said Foreman; fix requirement of Foreman to give bond on entering work as Foreman; provide for place for office of Road and Bridge Department and set out who shall have control over said Department; further to provide for necessary means and transportation of Foreman in carrying out his work; How Road and Bridge Foreman is employed and the duration and term of his office.

Be it enacted by the Legislature of Alabama:

SECTION ONE. There is hereby established and created for Houston County a Road and Bridge Department and a Road and Bridge Foreman. The Road and Bridge Foreman shall receive as compensation for his services a sum not to exceed TWO HUNDRED AND FIFTY DOLLARS per month, his salary to be fixed by the Board of Revenue, payable monthly out of the gasoline tax funds or any other available funds of the County, upon warrants drawn by the Judge of Probate. The Road and Bridge Foreman shall be provided by the Board of Revenue with the necessary means of transportation to enable him to discharge his duties of office.

SECTION TWO. That said Road and Bridge Foreman shall have the General supervision and care of maintaining, repairing and improving the public roads and bridges of the County, and the building of new roads and bridges, when such new roads or bridges are established by said Board of Revenue. He shall with the approval of said Board of Revenue, employ and fix the compensation of all agents, assistants, overseers, workmen and laborers, required for said work, and shall, with the counsel, assistance and approval of said Board, purchase all necessary road machinery, material, teams, tools, supplies and equipment, as hereinafter provided, used in and about the work on the public roads and bridges of the County, and he shall perform all such other duties relating to the maintenance, improvement or construction of highways and bridges as may be required of him by the general laws of the State or by the Board of Revenue of Houston County.

SECTION THREE. That said Road and Bridge Foreman shall be elected or appointed by the Board of Revenue of the County, and he shall serve for a period of four years and until his successor is elected and qualified, unless removed for cause. Provide, however, the present County Road Foreman will hold over and become Road and Bridge Foreman and

until his present term of office expires on the first Monday after the second Tuesday in January, 1939, unless sooner removed for cause.

SECTION FOUR: That before entering upon the duties of his office, said Road and Bridge Foreman shall make and enter into a surety bond, of not less than two thousand dollars nor more than five thousand dollars, to be fixed by said Board of Revenue payable to Houston County, Alabama, for the faithful discharge and performance of the duties of his office and for the faithful accounting for all moneys or property of said County which may come into his possession or custody, and said Bond must be made by a Surety Company authorized and qualified to do business in the State of Alabama, and be approved by said Board of Revenue.

SECTION FIVE: That if said Board of Revenue at any time fails or refuses to appoint a Road and Bridge Foreman for Houston County, the Governor of Alabama, shall fill said office by appointment, and the appointee shall serve the same as if appointed by the Board of Revenue and at a salary as fixed by the Board of Revenue, and subject to the same rules and regulations hereinabove set out. The Governor of Alabama will not make an appointment unless the Board of Revenue refuses or fails within 60 days after the said office becomes vacant.

SECTION SIX: The Road and Bridge Foreman shall be an experienced road builder and bridge man, and a competent civil engineer.

SECTION SEVEN: The Road and Bridge Department shall have its offices in the County Court House, and the Road and Bridge Foreman shall be in charge of said Department, his authority limited, however, to the powers and duties given to the Foreman as head of said Department by this Bill and by the Board of Revenue.

SECTION EIGHT: That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SECTION NINE: That if any section, provision, clause or portion of this act shall be declared by a Court of Competent Jurisdiction, to be invalid or unconstitutional same shall not be held to effect any other section, provision, clause or portion of this act, but the same shall take effect immediately upon its approval by the Governor.

PROOF OF PUBLICATION

THE STATE OF ALABAMA, }
HOUSTON COUNTY. }

Personally appeared before me, Brewer C. Word a Notary Public in and for said County and State (or other officer, as the case may be) Neil O. Davis who, being by me first duly sworn, deposes and says that he is Editor of The Dothan Journal, a newspaper published at Dothan, Ala., in said County and State, and that the notice, a true copy of which is hereto attached, was published in said paper for four consecutive weeks, of the following dates: Aug. 1-8-15-22 1935.

Neil O. Davis.

Given under my hand this 22 day of August 1935.

Brewer C. Word,
(Name and style of Officer)

(Seal)

N. P.

Also:

By Mr. Calhoun:

H. 1014. To establish a Board of Revenue for Houston County, and to abolish the Court of County Commissioners; to fix the salaries of said Board, manner of payment, term of office and time

of election of members thereof; to divide said county into three districts; to provide for the election of their successors in office, and the duties of the Judge of Probate with reference to said Board; To employ, discharge and fix the salary of the Road and Bridge Foreman; to provide that the Road and Bridge Foreman shall with the approval of the Board of Revenue employ and fix the compensation of agents, his assistants, overseers, workmen and laborers required for said work, and shall with the counsel, assistance and approval of said Board of Revenue purchase all necessary road material, machinery, teams, tools, supplies and equipment; to repeal all laws in conflict herewith and to fix qualifications of members of the Board of Revenue.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following Bill will be introduced in the Legislature of the State of Alabama.

A BILL TO BE ENTITLED AN ACT

To establish a Board of Revenue for Houston County, and to abolish the Court of County Commissioners; to fix the salaries of said Board, manner of payment, term of office and time of election of members thereof; to divide said county into three districts; to provide for the election of their successors in office, and the duties of the Judge of Probate with reference to said Board; To employ, discharge and fix the salary of the Road and Bridge Foreman; to provide that the Road and Bridge Foreman shall with the approval of the Board of Revenue employ and fix the compensation of agents, his assistants, overseers, workmen and laborers required for said work, and shall with the counsel, assistance and approval of said Board of Revenue purchase all necessary road material, machinery, teams, tools, supplies and equipment; to repeal all laws in conflict herewith and to fix qualifications of members of the Board of Revenue.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby created and established a Board of Revenue for Houston County. The Board is to be composed of the Judge of Probate as ex-officio member and chairman, and three other members. The Court of County Commissioners of said County is hereby abolished. The said three members of the Board of Revenue shall be the same persons now constituting the Court of County Commissioners of Houston County. Each of the said members of the Board of Revenue shall receive as compensation the sum of SIX HUNDRED DOLLARS annually, except the Judge of Probate, and shall be paid in equal monthly installments out of the general funds of the County on warrants drawn by the Judge of Probate. The powers and duties of said Board of Revenue are the same as will be later set out in this Bill.

Section 2. That Houston county is hereby divided into three Board of Revenue Districts, as follows: District Number 1 shall embrace and be composed of Beats Number 1, 2, 4, 5, 6, and 7; District Number two shall embrace and be composed of Beats 3 and 9; District Number 3 shall embrace and be composed of Beats Number 8, 10, 11, 12, 13, and 14. One member of said Board of Revenue hereby created shall hereafter be elected from each of the above Districts, and he must be a resident of, and a qualified

elector in the District in which he is elected. The members of the Board of Revenue hereafter shall be elected each by the qualified electors of their District at the General Election to be held on the first Tuesday after the first Monday in November, 1938, and shall assume the duties of office on the first Monday after the second Tuesday in January 1939, following their election, and they shall hold office for a period of four years and until their successors are elected and qualified.

Section 3. That candidates for the Board of Revenue of Houston County, Alabama, shall be nominated in the primary next preceding the General Election at which time they shall be elected.

Section 4. That there is hereby conferred upon said Board of Revenue of Houston County, and the members thereof, all of the general authority, powers, and duties now provided, or which may hereafter be provided to Board of Revenue or Commissioners Court, under the general laws of the State of Alabama, and amendments thereto not inconsistent with the provisions of this Act, and for the Acts of said Court equal, several and joint liability are hereby fixed for the members thereof. And in addition to the above duties and powers set out, the members of the Board of Revenue, except the Judge of Probate, shall be required to make monthly inspections of all roads and bridges in their Districts, and make a report thereof of their findings at the next regular meeting of the Board; and the Road and Bridge Foreman with the approval of the Board of Revenue, shall employ and fix the compensation of all agents, assistants, overseers, workmen and laborers required for said work, and shall with the counsel, assistance and approval of said Board, purchase all necessary road machinery, material, teams, tools, supplies and equipment, as hereinafter provided, used in and about the work on the roads and bridges of the County.

Section 5: That in case of a vacancy of the Board of Revenue, such vacancy shall be filled by appointment by the Governor of Alabama, and the person appointed shall hold office for the remainder of the term and until his successor has qualified.

Section 6: The Board of Revenue shall elect or appoint a Road and Bridge Foreman as head of the Road and Bridge Department, and fix his salary in a sum not to exceed \$250.00 per month, and make said appointment immediately after vacancy is created in said office, and each succeeding Board of Revenue shall make said appointment immediately after their induction into office. The said Road and Bridge Foreman shall serve for a period of four years and until his successor is elected and qualified, unless removed for cause. AND, the present County Road Foreman will hold over and become Road and Bridge Foreman at the salary he is now receiving as County Road Foreman until the first Monday after the second Tuesday in January, 1939.

Section 7: That no purchase or contract to purchase any road or bridge material, team, tools, machinery, supplies or equipment shall be made, or any contract for the construction, maintenance or repair of any road let, either by Board of Revenue or Road and Bridge Foreman, if the amount involved, or the value thereof, exceeds \$25.00, except to the lowest responsible bidder, and where the amount of purchase or contract to be let, is in excess of \$25.00 and not greater than \$200.00, the Board of Revenue shall have posted a notice on the Bulletin Board in front of the Courthouse of Houston County five days prior to the meeting at which said purchase is to be made, and if amount of purchase to be made or contract to be let be in excess of \$200.00 notice must be given that bids will be received for such purchase or contract by advertising same for a period of 20 days, by publication for once a week for two consecutive weeks in a newspaper published in Houston County. And in addition to the above notice or notices, if amount

be in excess of \$200.00 the chairman of said Board of Revenue shall give written notice by registered mail with return receipt requested of such contemplated purchase or purchases, to at least three merchants or dealers in the goods or materials to be purchased, and like notice of any contract to let, to at least three contractors engaged in the work contemplated. Such notice or notices, together with return receipts, must be recorded in and become a part of the minutes of the Board of Revenue of Houston County. Provided, however, in case of emergency, for the purchase of machinery parts no advertisements shall be required as above stipulated. Any and all contracts made and entered into or purchases made by the Board of Revenue, except for purchases of emergency machinery parts, in violation of terms of this Section shall be null and void, and it shall be unlawful for the Probate Judge to issue warrants in payment of same.

Section 8: That all laws, both general, special or local, and parts of laws in conflict with the provisions of this Act are hereby repealed, and especially repealing House Local Bill No. 378, Approved July 23, 1931, by the Governor of the State of Alabama, and House Local Bill Approved June, 27, 1935, by the Governor of Alabama and the Legislature of Alabama.

Section 9: That if any section provision, clause or portion of this Act shall be declared, by a court of competent jurisdiction, to be invalid or unconstitutional same shall not be held to effect any other section, provision, clause or portion of this Act, but same shall remain in full force and effect.

Section 10: That the provisions of this Act shall take effect immediately upon its approval by the governor.

(COPY)

PROOF OF PUBLICATION

THE STATE OF ALABAMA, }
HOUSTON COUNTY. }

Personally appeared before me, Brewer C. Word a Notary Public in and for said County and State (or other officer, as the case may be) Neil O. Davis who, being by me first duly sworn, deposes and says that he is Editor of The Dothan Journal, a newspaper published at Dothan, Ala., in said County and State, and that the notice, a true copy of which is hereto attached, was published in said paper for four consecutive weeks, of the following dates: Aug. 1-8-15-22 1935.

Neil O. Davis.

Given under my hand this 22 day of August 1935.

Brewer C. Word,

(Name and style of Officer)

(Seal)

N. P.

Also:

By Mr. Byars:

H. 1017. To provide for the payment of publication of notice of intention to introduce a local bill in the legislature.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the present session of the Alabama Legislature providing that Lawrence County shall pay for the advertising of all local bills advertised by the county's representative

or senator in the county papers regardless of whether or not the bills are introduced or enacted into law.

8-1-4

J. D. L. Byars.
Moulton, Ala., Aug. 22, 1935.

THE STATE OF ALABAMA, }
LAWRENCE COUNTY. }

Before me, R. C. Jackson a Notary Public in and for said state and county, on this day personally appeared C. H. Hurst, who being sworn in due form of law says, that he is Shop Foreman of The Advertiser, a weekly newspaper published in Moulton, Lawrence county, Alabama, and as such Shop Foreman he published in said newspaper the attached notice for 4 consecutive weeks beginning Aug. 1, 1935, and ending Aug. 22, 1935, as required by law.

C. H. Hurst,
Shop Foreman.

Sworn to and subscribed before me this the 22 day of Aug., 1935.

R. C. Jackson,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,

HOUSE MESSAGE

The House Bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

House Bills 947, 1007, 1012, 1013, 1014 and 1017, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bills:

By Mr. Haley:

H. 968. To provide that twenty-five percentum of all moneys paid into the State Treasury by Dentists shall be paid over to the Alabama Dental Association, to be used by The Alabama Board of Dental Examiners for prosecuting violations of the Dental Laws of Alabama and other necessary purposes.

Also:

By Mr. Haley:

H. 906. To amend Section 325 of the Code of Alabama, as amended by the Act of 1927, entitled "An Act to amend Sections 325, 326, 329, 332, 337, 343, 344, 345, 347, 348, 349, 354, 358, and 359, Code of Alabama 1923, and to repeal Section 330, Code of Alabama 1923, relating to the practice of dentistry and dental hygiene, composing Chapter 18, Volume I, of said Code." And to

amend Sections 333, 334 and 335 of the Code of Alabama, and to amend Sections 337, 348 and 359 of the Code of Alabama, and to repeal Section 349 of the Code of Alabama, as amended by the Act of 1927, entitled "An Act to amend Section 325, 326, 329, 332, 337, 343, 344, 345, 347, 348, 349, 354, 358, and 359, Code of Alabama 1923, and to repeal Section 330, Code of Alabama 1923, relating to the practice of dentistry and dental hygiene, composing Chapter 18, Volume I, of said Code." And to amend Section 357 of the Code of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

- H. 968, to the Committee on Finance and Taxation.
- H. 906, to the Committee on Public Health.

SPECIAL ORDERS

The Senate proceeded to consider the Special Orders for to-day, the first of which was the bill:

S. 407. Relating to and regulating the manufacture, sale, possession, control, prescribing, administering, dispensing, compounding, mixing, cultivation and growth of narcotic drugs.

And said bill was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Chesnut	Mixon	Simpson	Tucker
Cook	Mooneyham	Starnes	Walden
Dorsey	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Wellborn

—24

Nays:—None.

The bill:

S. 398. To provide for the revision and codification of the general laws of Alabama relating to education.

Was taken up.

Mr. Swift offered the following substitute for said bill, to-wit:

Substitute for S. B. 398:

A BILL

To be Entitled An Act to provide for the revision and codification of the general laws of Alabama relating to education.

Be it enacted by the Legislature of Alabama:

Section 1. That the State Superintendent of Education is hereby authorized and directed to request the Governor to designate and assign one of the assistant attorneys-general to serve in the capacity of School Code Commissioner whose duty it shall be to revise and codify the general laws of Alabama relating to education; provided, that the Governor shall have authority by and with the advice and consent of the Attorney General to make such designation and assignment; provided, that an assistant attorney-general so designated and assigned shall serve without extra compensation.

Section 2. That said Commissioner shall prepare appropriate chapters, titles, and sub-divisions of titles, for each chapter, clearly, briefly, and succinctly expressive of the subjects treated, and place all public laws appertaining to the subject in appropriate order. Said Commissioner shall not simply transfer or transcribe the laws enacted by the Legislature, but shall so alter the phraseology as to eliminate and exclude all redundancy, prolixity and obscurity of expression, and if there are several acts relating to, or embracing the same subject, they shall be assembled, combined, condensed, and so worded as to clearly and fully set forth the substance and meaning of the whole, having regard to the judicial exposition thereof. Wherever it shall be apparent that there are legislative omissions or mistakes, in any statute, said Commissioner shall supply and rectify the same so as to correct and perfect such statute, and render its meaning clear and its operation complete. He shall prepare also a proper index for the code as revised.

Section 3. That said Commissioner shall by the opening date of any special session of the Legislature called by the Governor, if revision of the school code is included in the call, deliver to the Governor a typewritten draft of the code of school laws as revised, together with a sworn statement indicating all changes, except changes in language, which he shall have made in existing laws.

Section 4. That the code of laws relating to education as revised under the provisions of this act shall, upon adoption by the Legislature, become operative thirty days after the Governor shall have issued a proclamation announcing its promulgation.

Which was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Chesnut

Cook
Glover
Kelly

Kuykendall
Mixon
Mooneyham

McDowell
Parrish
Rogers (Mobile)

Russell
Simpson
Starnes

Stephens
Swift
Taylor

Thomas
Tucker

Walden
Walton

—22

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Chesnut
Cook
Dorsey
Fletcher
Glover

Kelly
Kuykendall
Mixon
Mooneyham
McDowell
Parrish
Riddle

Rogers (Mobile)
Russell
Simpson
Starnes
Stephens
Swift

Taylor
Thomas
Tucker
Walden
Walton
Wellborn

—26

Nays:—None.

The bill:

S. 380. To appropriate a sum not to exceed in the aggregate \$5,000.00 per annum for four years to the Board of Trustees of the University of Alabama and the Board of Trustees of the Alabama Polytechnic Institute, such appropriation to the Board of Trustees of the University of Alabama and the Board of Trustees of the Alabama Polytechnic Institute to be used for the purpose of extending and improving the uses of the naval stores products of the State of Alabama, and for the purpose of increasing its consumption.

Was taken up.

Mr. Swift offered the following substitute for said bill to-wit:
Substitute for S. B. No. 380:

A BILL

To be entitled An Act to authorize and direct the expenditure from their annual appropriations for research by the University of Alabama and by the Alabama Polytechnic Institute, of a sum not to exceed in the aggregate \$5,000.00 each per annum for four years, such expenditure to be made by the University of Alabama and by the Alabama Polytechnic Institute for the purpose of extending and improving the uses of the naval stores products of the State of Alabama, and for the purpose of increasing its consumption, provided any amount so spent shall be matched by a donation from the Naval Stores Industry.

Be it enacted by the Legislature of Alabama:

Section 1. That the University of Alabama and the Alabama Polytechnic Institute are hereby authorized and directed to ex-

pend from their annual appropriations for research a sum of not exceeding \$5,000.00 each per annum, for four years, beginning October 1, 1935, the exact amount to be equal to and measured by a donation to be made to said University of Alabama and Alabama Polytechnic Institute by the Naval Stores Industry, represented by the Control Committee of the Gum Turpentine and Gum Rosin Marketing Agreement or by any other duly authorized Committee of such Industry; such expenditure to be made for the purpose of conducting research work in said Universities for the extension and improvement of the uses of naval stores products, provided that no expenditure shall be made unless a like donation is made by the Naval Stores Industry as herein provided.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall be effective as of October 1st., 1935. Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Taylor
Browder	Kuykendall	Rogers (Mobile)	Thomas
Chesnut	Locke	Russell	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Glover	McDowell	Swift	Wellborn

—24

Nays:—None.

The bill:

H. 191. To better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may

now or hereafter be under their management and control; to limit their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that all temporary loans procured for enabling counties to meet their current obligations shall mature during the fiscal year in which they are made and shall be payable out of income for such year; to provide that this act shall be effective on and after the first day of October, 1935; and to repeal all laws, except local laws, in conflict with the Act. Provided the Act shall not apply to counties having more than 95,000 and less than 300,000 population.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amend H. B. 191 by adding thereto Section 11 to read as follows:

"Section 11. TEMPORARY LOANS. All temporary loans hereafter procured for the purpose of enabling counties to meet their current obligations, as authorized by Article 10 of Chapter 16 of the Alabama Code of 1923, shall mature during the fiscal year in which they are made, and it shall be the duty of the Board of Revenue, Court of County Commissioners or other like governing body to repay said loans out of the income of the County for said fiscal year."

Also amend by adding to Section 9, at the end thereof the following:

"Or such board may, with the consent of the lender, refund such debts, whether then due or not, in the way provided herein for refunding other debts."

Mr. Swift offered the following substitute for said Committee amendment to-wit:

Amendment to House Bill No. 191:

Amend House Bill No. 191 by striking from the caption thereof the following: "To provide that all temporary loans procured for enabling counties to meet their current obligations shall mature during the fiscal year in which they are made and shall be payable out of the income for such year"; and inserting in lieu thereof: "To provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95% of

such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest, payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor."

Also by striking from Section 9 the following: "Provided, however, that if there is outstanding at the time this Act goes into effect what is known as temporary loans which are secured by a pledge of a portion of the income for a specific year, the said Board shall be authorized, in its discretion, to refund such loans from year to year, and pledge taxes therefor from year to year; but such loans shall be reduced by the payment each year of not less than five per centum of the original amount of such loan." And in lieu thereof add the following: "With the consent of the holders thereof, any county may refund, under the provisions of this Act, temporary loans outstanding when this Act goes into effect made in anticipation of the collection of taxes for the time and under the conditions and terms provided herein for the refunding of outstanding warrants."

Also by adding thereto Section 11 as follows:

"Section 11. TEMPORARY LOANS. Nothing in this Act shall be construed to repeal the general laws of the State of Alabama authorizing counties to make temporary loans in anticipation of collection of taxes; provided, however, that hereafter no temporary loan or loans in anticipation of the collection of taxes made for the purpose of enabling counties to meet their current obligations shall exceed 95% of the amount of such temporary loans made during the preceding fiscal year, except that to meet emergencies provided for in Section 17 hereof, temporary loans in anticipation of collection of taxes may be made up to the full amount provided for under the general laws of the State of Alabama; and in making up the budget provided for under this Act the amount borrowed on temporary loans in anticipation of the collection of taxes to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year; and the amount of such temporary loan, principal and interest, payable in each fiscal year, shall constitute a part of the current operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor."

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Fletcher	Parrish	Taylor
Browder	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Dorsey	McDowell	Swift	Wellborn

—24

Nays:—None.

And on motion of Mr. Swift, said bill, as thus amended, was postponed until the next Legislative Day without losing its place on the Calendar.

The Bill:

S. 402. To provide aid to dependent children, to authorize the State Department of Public Welfare to administer such aid, to authorize the county departments of public welfare to administer such aid, under the supervision of the State Department of Public Welfare in the several counties, to authorize the County Board of Revenue or Court of County Commissioners or other governing body of the county to appropriate funds for aid to dependent children, and to authorize the State Department of Public Welfare to reimburse said counties for one-half of the sum so expended in the several counties under certain conditions.

Was taken up.

The Committee on Judiciary reported the following amendment to said bill to-wit:

Amend Section of Senate Bill 402 so as to read as follows:

Section 1: For the purpose of providing aid to needy, dependent children, the County Board of Revenue, or Court of County Commissioners, or other governing body of the County, shall have authority to appropriate such funds as it may deem to be necessary in accordance with the provisions of this Act.

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Tucker
Carlton	Kuykendall	Simpson	Walden
Chesnut	Locke	Starnes	Walton
Cook	Mixon	Stephens	Wellborn
Dorsey	Parrish	Taylor	Woodall
Glover	Rogers (Mobile)	Thomas	

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Cook	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The Bill:

H. 876. To further provide for freeing Alabama highways of all toll bridges through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Riddle	Taylor
Carlton	Kuykendall	Rogers (Mobile)	Thomas
Chesnut	Locke	Russell	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Wellborn
Glover	Parrish	Swift	Woodall

—28

Nays:—None.

The Bill:

S. 394. To further provide for the filling of vacancies occurring on Boards of Revenue, or like governing bodies; and to provide when this Act shall go into effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 2.

Yeas:

Messrs.:

Browder	Kelly	McDowell	Taylor
Carlton	Kuykendall	Parrish	Thomas
Chesnut	Locke	Riddle	Tucker
Cook	Mixon	Rogers (Mobile)	Walton
Dorsey	Mooneyham	Swift	Woodall
Glover			

—21

*Nays:**Messrs.:*

Simpson

Stephens

—2

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 540. To require that twenty-five per cent of the total funds, received by Lawrence County, Alabama, from the levy and collection by the State of gasoline taxes or taxes on other motor fuels, be used for the purpose of paying the principal of all county road debts contracted prior to October 1, 1935, including bonds of said county issued for the purpose of building public roads in said county; to provide that the Board of Revenue shall ascertain during the month of October, 1935, and register in a book of permanent record and publish in the county paper, or cause such to be done, the various amounts of all the road debts of the county, specifying particularly the amounts owed, to whom such amounts are owed, when such amounts are due and the interest rate, if any, thereon; to provide for the permanent continuation of this record and to provide the method for the retirement of such indebtedness.

Also:

H. 547. To provide funds for the maintenance and operation of public libraries in incorporated towns or cities in Counties of the State of Alabama having not less than 100,000 nor more than 200,000 population.

Also:

H. 643. To require the County of Mobile to maintain a County Agricultural Agent; to provide for his appointment, and to provide for his duties and to provide a minimum salary for him, and to provide out of what funds and in what order of preference said salary shall be paid.

Also:

H. 646. To amend Section 6, of Article One of an Act entitled an Act, "To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers and duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal viola-

tions, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads; persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue; Approved August 23, 1927," as amended by an Act entitled an Act, "To amend Section 6, of Article One of an Act entitled an Act, "To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers and duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning Toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads; persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue; Approved April 10, 1931.

Also:

H. 764. To prescribe the salary and the manner of payment of the same, of the chief deputy sheriff for Morgan County, Alabama.

Also:

H. 765. To allow the sheriff of Morgan County, Alabama, a deputy sheriff in addition to the chief deputy sheriff, and fix his salary, and make it payable out of the general funds of the county in equal monthly installments, said deputy to be located in Decatur, Alabama.

Also:

H. 807. For the relief of J. F. King, the former Sheriff of Tuscaloosa County, Alabama, authorizing and directing payment or refund by the Board of Revenue of Tuscaloosa County, Alabama, out of the general fund of Tuscaloosa County, Alabama, to said J. F. King of the sum of Three Hundred Sixteen and 50-100 (\$316.50) Dollars, which was paid to him as such Sheriff for furnishing a bailiff for the Inferior Court of Tuscaloosa County, for the services of such bailiff, under the Act approved August 3, 1927, and entitled "An Act to establish a court of record in Tuscaloosa County, Alabama, to be known as the Inferior Court of Tuscaloosa County, Alabama," and which amount of \$316.50 the said J. F. King, while Sheriff of Tuscaloosa County, Alabama, was compelled to repay to Tuscaloosa County, and to provide for the repeal of all laws and parts of laws in conflict with the provisions of this Act.

Also:

H. 809. To regulate the nomination of circuit judges in primary elections in the Tenth Judicial Circuit of Alabama.

Also:

H. 823. To cede to the United States of America exclusive jurisdiction over the Fort McClellan Military Reservation in Calhoun County, Alabama.

Also:

H. 845. To provide for the appointment of a Chief Clerk by the State Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County), to fix the term of office of said Chief Clerk, to prescribe the duties of said Chief Clerk and to require said Chief Clerk in addition to his work as Chief Clerk to do stenographic work for said Solicitor and also to work as an investigator for said Solicitor, to fix the compensation of said Chief Clerk, to provide that said compensation shall be paid out of the General Funds of the County Treasury of Mobile County, Alabama, and how the same shall be paid and to further provide that said salary of said Chief Clerk shall be a preferred claim against the County.

Also:

H. 847. To provide for the appointment of an Assistant Solicitor for the Thirteenth Judicial Circuit of Alabama (Mobile County); to fix the term of said office; to prescribe the duties and authority of said Assistant Solicitor and to fix his compensation;

and to provide the manner of payment thereof and that such salary shall be a preferred claim against Mobile County, Alabama.

Also:

H. 900. To alter or rearrange the boundary line on the City of Mobile, Alabama, so as to exclude from the City of Mobile certain territory described herein and now included within the corporate limits of said City of Mobile.

Also:

H. 901. To alter or rearrange the boundary line of the City of Mobile, Alabama, so as to exclude from the City of Mobile certain territory described herein and now included within the corporate limits of said City of Mobile.

Also:

H. 940. To provide for the payment to the Clerk and/or Sheriff of Marshall County of all costs and/or fees accruing after the passage of this Act which would otherwise be payable out of the fine and forfeiture fund of Marshall County to be paid quarterly out of the general fund of said County instead of out of the fine and forfeiture fund of said County; to provide for the method, manner and time of the payment of the same and make the same a preferred claim against the general fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the fine and forfeiture fund of Marshall County.

Also:

H. 943. To allow the Sheriff of Blount County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Blount County in monthly installments.

Also:

H. 944. To relieve all persons in Randolph County, Alabama of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such obligation to work on the public roads in said Randolph County, Alabama.

Also:

H. 949. To relieve all persons of any legal obligations to work public roads or streets in Pike County, Alabama.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

BILLS ON THIRD READING RESUMED

The bill:

H. 860. To amend Sections 2874, 2875, 2880, 2885, 2886, 2888, 2889, 4387, 4389, and 4390 Code of Alabama 1923, relative to the practice of optometry.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Riddle	Thomas
Carlton	Locke	Rogers (Mobile)	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Glover	McDowell	Stephens	Wellborn
Kelly	Parrish	Swift	Woodall

—24

Nays:—None.

The bill:

H. 913. To create and provide for and regulate a Department of Labor in the State of Alabama; to prescribe its authority and jurisdiction, and provide for a Commissioner of Labor and fix his salary and define his duties.

Was read a third time at length and passed.

Yeas, 21; Nays, 5.

Yeas:

Messrs.:

Browder	Kelly	Riddle	Thomas
Carlton	Kuykendall	Simpson	Tucker
Chesnut	Locke	Starnes	Walton
Cook	Mixon	Stephens	Wellborn
Fletcher	Parrish	Swift	Woodall
Glover			

—21

Nays:

Messrs.:

Bonner	Frazer	McDowell	Walden
Dorsey			

—5

The bill:

S. 139. To provide for the examination and audit by the Division of Departmental and County Audits of the records of all city officers in cities of Alabama which may now or hereafter have a population of ten thousand (10,000) or more according to the last or any subsequent Federal Census; to provide for the payment of the cost of said examination; and to provide for the employment of a sufficient number of clerical assistants in the Division of Departmental and County Audits to carry out the provisions of this Act.

Was taken up.

Mr. Thomas offered the following amendment to said bill to-wit:

To amend Senate Bill No. 139 by striking out in the caption and in Section One, the words and figures "ten Thousand (10,000)" and substituting therefor the words and figures "Twenty-five Hundred (2,500)".

Mr. Kelly moved that said bill and the pending amendment be indefinitely postponed, which motion prevailed and the bill and amendment were postponed.

Yeas, 16; Nays, 13.

Yeas:

Messrs.:

Bonner	Kelly	Mooneyham	Russell
Carlton	Kuykendall	McDowell	Stephens
Chesnut	Locke	Parrish	Taylor
Glover	Mixon	Riddle	Woodall

—16

Nays:

Messrs.:

Browder	Rogers (Mobile)	Swift	Walden
Cook	Simpson	Thomas	Walton
Dorsey	Starnes	Tucker	Wellborn
Frazer			

—13

The bill:

S. 422. To Amend Section 1 of an Act entitled, "An Act to amend Sections 989, 992, 995, 1005, and 1007 of the Code of Alabama of 1923," approved February 5, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 9.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Taylor
Browder	Kelly	Simpson	Thomas
Carlton	Kuykendall	Starnes	Walton
Chesnut	Mixon	Stephens	Woodall
Cook	Mooneyham	Swift	

—19

Nays:

Messrs.:

Dorsey	McDowell	Rogers (Mobile)	Tucker
Frazer	Riddle	Russell	Walden
Locke			

—9

The bill:

S. 307. To provide a lien for laundering, cleaning, dyeing, pressing, mending and/or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes and to prescribe the manner of the enforcement of such lien.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	McDowell	Swift	Woodall
Frazer			

—29

Nays:—None.

The bill:

H. 896. To adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such act and to make an appropriation therefor.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amend Section 5 of H. B. 896, by adding at the end thereof the words, "Said appropriation to be payable only on approval and order of the Governor."

Which was adopted.

Yeas, 25; Nays, 3.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	Simpson	Tucker
Chesnut	Locke	Starnes	Walden
Cook	Mixon	Stephens	Walton
Dorsey	Mooneyham	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall
Glover			

—25

Nays: Messrs.: Frazer, McDowell, Rogers (Mobile)

—3

And said bill, as thus amended, was read third time at length and passed.

Yeas, 19; Nays, 8.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Thomas
Browder	Kelly	Russell	Tucker
Chesnut	Kuykendall	Simpson	Walton
Cook	Locke	Starnes	Woodall
Fletcher	Mixon	Stephens	

—19

Nays:

Messrs.:

Dorsey
FrazerMcDowell
Rogers (Mobile)Swift
TaylorWalden
Wellborn

—8

The bill:

H. 886. To authorize and provide a fund to be known as the "State Surety Insurance Fund" to be carried in the State Treasury for the purpose of insuring the State, counties and municipalities of the State of Alabama against loss from defalcation, misappropriation or other improper disposition of State, county or municipal funds; to establish a basis for the assessment and collection of the premiums from the State, counties, municipalities and individuals to be paid into the State Treasury, and to provide for a sinking fund with which to reimburse the State, counties and municipalities for any loss occasioned from the defalcation, misuse or misappropriation of State, county or municipal funds and to transfer from the State Insurance Fund, as it now exists, \$100,000.00 to the State Surety Insurance Fund as an emergency fund to be used only in case the losses sustained shall be in excess of premiums collected; and to authorize the State Board of Administration to administer said fund and to promulgate rules and regulations necessary for the proper administration of this Act; to provide for suit on such bonds and for the payment therein; and to provide for the execution of such bonds by the State Comptroller.

Was read a third time at length and passed.

Yeas, 24; Nays, 3.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
FletcherGlover
Kuykendall
Mixon
Mooneyham
McDowell
ParrishRiddle
Rogers (Mobile)
Russell
Stephens
Swift
TaylorThomas
Tucker
Walden
Walton
Wellborn
Woodall

—24

Nays: Messrs.: Dorsey, Locke, Starnes

—3

The bill:

S. 424. To Amend Sections 94, 108-113, inclusive 133, 182, 277, 281, 290, and 472 of the Alabama School Code of 1927.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Thomas
Browder	Kuykendall	Riddle	Tucker
Carlton	Locke	Rogers (Mobile)	Walden
Chesnut	Mixon	Russell	Walton
Cook	Mooneyham	Starnes	Wellborn
Dorsey	McDowell	Stephens	Woodall

—24

Nays:—None.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Starnes, further consideration of the bill:

S. 361. To further provide for freeing Alabama highways of all toll bridges through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation.

Was indefinitely postponed by the Senate.

On motion of Mr. Wellborn, further consideration of the bill:

S. 47. To proposed an amendment to the Constitution of Alabama abolishing the offices of State Auditor and Secretary of State and providing for the transfer of the duties of such offices.

Was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. Harrison:

H. 249. To make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

Said Governor's message containing the proposed amendment being in words and figures as follows, to-wit:

To The House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning to you, the House in which it originated, House Bill No. 249 without my approval.

I suggest the following amendment, which if adopted by the Legislature will cure the defects in the bill as I see it:

Strike from said bill the following words:

"I. Child Welfare Department. For compensation of the Director \$3,000.00; other salaries \$35,700.00; supplies and materials \$350.00; postage, telephone and telegraph \$1,650.00; printing and binding \$1,000.00; travel ex-

penses \$8,150.00; motor vehicles expenses \$1,440.00; general expenses \$40.00; insurance and bonding \$20.00; office equipment \$350.00; care of juvenile wards \$32,300.00—\$84,000.00," and substitute in lieu thereof the following:

1. Child Welfare Bureau. For compensation of the Director \$3,000.00; other salaries \$35,700.00; supplies and materials \$350.00; postage, telephone and telegraph \$1,650.00; printing and binding \$1,000.00; travel expenses \$8,150.00; motor vehicle expenses \$1,440.00; general expenses \$40.00; insurance and bonding \$20.00; office equipment \$350.00; care of the juvenile wards \$32,300.00, Total \$84,000.00. This appropriation shall be paid out upon the requisition of the Director of the Bureau with the approval of the Commissioner and of the Governor as Chairman of the Board of Public Welfare.

Very respectfully,
(Signed) Bibb Graves
BIBB GRAVES,
Governor.

September 3, 1935.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said Bill H. 249, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 80; Nays, 0.

And said Bill, H. 249, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 80; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Fletcher, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 249, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Tucker
Browder	Kuykendall	Russell	Walden
Carlton	Locke	Starnes	Walton
Chesnut	Mixon	Swift	Wellborn
Dorsey	Mooneyham	Taylor	Woodall
Fletcher	Riddle	Thomas	

—23

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	Mooneyham	Stephens	Walton
Dorsey	McDowell	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall
Glover			

—25

Nays:—None.

Which was a majority of the whole number elected to the Senate.

RESOLUTION

Mr. Walton offered the following Joint Resolution:

S. J. R. 113. Whereas, the present Legislature of Alabama has enacted into law a statute levying a tax on snuff and chewing tobacco, and the proceeds of such tax to be used solely for the purpose of providing free text books for pupils in the First Grades in the Elementary Schools of this State; and,

Whereas, at the opening of schools in many counties of the State of Alabama on Monday, September 2, 1935, it was publicly announced by the school officials that the State of Alabama would furnish only one book to each pupil in the first grade and that all other books necessary to be used by the pupils in the First Grade would be furnished by the State on the basis of one book for each four or five pupils, and it was further publicly announced by the school authorities that it would be necessary for some patrons of the school to purchase books for their children in the First Grade; and

Whereas, it was generally understood by the Legislature of Alabama, and by the people of the State of Alabama that the proceeds of the tax on snuff and chewing tobacco would be used solely for the purpose of providing free text books for children in the First Grades of the Elementary Schools of Alabama; and

Whereas, conditions as they now exist have brought about a feeling of criticism towards the Legislature of Alabama and towards the Administration.

Now, Therefore, be it Resolved by the Senate of Alabama, the House concurring, that a committee composed of seven members, three to be appointed from the Senate by the President of the Senate, and four to be appointed from the House of Representatives by the Speaker of the House, be appointed for the purpose of con-

ferring with the Governor of Alabama, and other State officials to the end that the people of Alabama may be informed as to the furnishing of free text books for use in the First Grades, and as to why the State is not furnishing all books free for use for pupils in the First Grades of the Elementary Schools of this State.

Which was read and referred to the Standing Committee on Rules.

RECESS

At 12:30 P. M., on motion of Mr. Dorsey, the Senate took a recess until three o'clock this afternoon.

FORTY-FIFTH DAY—AFTERNOON SESSION

Tuesday, September 3rd, 1935.

The Senate re-assembled at 3 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Glover	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	McDowell	Swift	Woodall
Frazer	Parrish		

—30

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows: By Mr. Wellborn:

S. 431. To create the office of Supervisor of Roads & Bridges for Calhoun County, Alabama, and to prescribe his qualifications and duties and fix his salary and provide for method of his election and appointment.

Committee on Rules.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICES

A BILL TO BE ENTITLED AN ACT

To create the office of Supervisor of Roads and Bridges for Calhoun County, Alabama, and to prescribe his qualifications and duties and fix his salary and provide for method of his election and appointment.

Be it enacted by the Legislature of Alabama:

SECTION ONE: That there is hereby created in and for the County of Calhoun, Alabama, the office of Supervisor of Roads and Bridges.

SECTION TWO: That said Supervisor of Roads and Bridges of Calhoun County, Alabama herein provided for shall be appointed by the Governor of Alabama, as soon after the passage and approval of this Act as convenient, and shall serve under said appointment through December 31st, 1939. That upon the expiration of said terms filled by appointment of the Governor said office shall be filled by appointment by the Board of Revenue or other governing body of Calhoun County, Alabama, for a period of four years, and likewise each four years thereafter said office shall be filled by appointment by the Board of Revenue or other governing body of said Calhoun County, Alabama.

SECTION THREE: That the said Supervisor of Roads and Bridges of Calhoun County, Alabama, shall be a practical engineer with executive and road building experience, and with sufficient mechanical ability and training to direct the construction of any type of road or bridge that might be needed in Calhoun County, without the employment of additional expert supervisors or engineers by said county.

SECTION FOUR: Said Supervisor of Roads and Bridges shall receive as compensation the sum of \$250.00 per month, and in addition thereto shall receive actual traveling expenses incurred by him in the performance of his duties herein prescribed, to be paid monthly out of any road or bridge funds or gasoline tax belonging to said Calhoun County, Alabama.

SECTION FIVE: That said Supervisor of Roads and Bridges shall have full charge of the construction and maintenance of all public roads and bridges in Calhoun County, Alabama, and shall have the power to organize or to re-organize a system of construction and maintenance from time to time and to select such amount and types of road and bridge equipment as he may deem necessary for the purpose of efficiency and economy. He shall have administrative control of all personnel, employment and removal of the County road building and maintenance department and the employees thereof. It shall further be the duty of the said Supervisor to determine the amount of work and the time of work on the various public roads of the County, in such a way as to maintain the best possible system of roads and bridges of the County as a whole. Said Supervisor shall meet with the Board of Revenue or other governing body of said County, at least once each month, and give a full detailed report of all road and bridge work.

SECTION SIX: That before the Supervisor of Roads and Bridges of Calhoun County, Alabama, prescribed for under the provisions of this Act, shall enter upon his duties or receive any compensation he shall execute a bond with good and sufficient surety to be approved by the Board of Revenue, or other governing body of said Calhoun County, Alabama, in the penal sum of \$2,000.00 for the faithful performance of his duties as said Supervisor of Roads and Bridges, for the faithful accounting for of monies or property of said County which may come into his hands as such Supervisor.

SECTION SEVEN: That the general road laws of this State and the general laws applicable to Boards of Revenue, and Courts of County Commissioners, except those that conflict with the provisions of this Act shall remain in effect in Calhoun County, Alabama; that all laws or parts of law in conflict with the provisions of this Act are hereby repealed insofar as they apply to Calhoun County, Alabama.

SECTION EIGHT: That if any clause, sentence, section or paragraph of this Act shall be declared invalid for any reason, it shall not render the remaining parts of the same invalid, but they shall remain in full force and effect.

SECTION NINE: That this Act shall go into effect immediately upon its approval by the Governor.
To Whom It May Concern:

Please take notice that the above and foregoing bill will be introduced in the Legislature of Alabama as soon as due publication of this notice has been completed.

This the 12th day of August, 1935.

F. Glenn Propst,
M. B. Wellborn.

STATE OF ALABAMA, }
COUNTY OF CALHOUN. }

Before me, Clara B. Wright, Notary Public in and for said state and county, personally appeared Harry M. Ayers, Publisher of The Anniston Star, a daily newspaper published in Anniston in said state and county, who being duly sworn, deposes and says that the attached notice relative to the advertising of a bill to be entitled an act to create the office of Supervisor of Roads and Bridges for Calhoun County, Alabama, and to prescribe his qualifications and duties and fix his salary and provide for method of his election and appointment, was published in The Anniston Star August 13, 20, 27 and September 3, 1935.

Harry M. Ayers.

Sworn to and subscribed to before me this the 3rd day of September, 1935.

(Seal) Clara B. Wright,
Notary Public.

By Mr. Kuykendall:

S. 432. To amend Article XIII, Chapter 1, Section 348, Schedule 104 of the General Revenue Law of 1935 entitled "An Act to provide for the general revenue of the State of Alabama."
Committee on Finance & Taxation.

By Mr. Walton:

S. 433. To pay the Town of Five Points for building a consolidated school building in about the year of 1916.
Committee on Finance & Taxation.

By Mr. Kuykendall:

S. 434. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface

waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law;" to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operation of this Act.

Committee on Agriculture.

REPORTS OF COMMITTEES

Mr. Fletcher, Chairman of the Standing Committee on Finance & Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Poole:

H. 1034. To authorize and provide for the payment of the sum of Seventy-seven Dollars (\$77.00) for the relief of Eddie McCrory of Greenville, Alabama, who was injured on the 15th day of November, 1934 while acting in his line of duty as a deputy sheriff of Butler County, Alabama.

By Mr. Rogers (of Mobile):

S. 428. To appropriate the sum of three hundred dollars (\$300.00) for the casting into bronze of six plaster plaques of Alabama historical characters.

By Mr. DeVane:

H. 76. To make a conditional appropriation for the acquisition of lands to be developed as forests and parks to enable the State to cooperate effectively with the United States Government in its recovery program in Alabama, and to make provision for repayment of said appropriation into the general fund.

By Mr. Tucker:

S. 427. To continue the investigation of water resources of the State and to authorize the State Geologist to enter into contracts with the United States Government, or departments thereof, for cooperative action in collecting and publishing information and to make an appropriation therefor.

By Mr. Matthews (of Wilcox):

H. 268. To authorize and provide for the payment of the sum of Two Hundred Ten Dollars (\$210.00) for the relief of Mrs. Mary McG. Kelly of Wilcox County, Alabama, who was entitled to an increase in pension for the April 1st, 1933 quarter, had she filed her re-classification pension application when she reached the age of Eighty years.

By Mr. Dominick (with amendment):

H. 871. To create a Board to be known as the "State Board of Adjustment"; to name its personnel, to define its duties and

powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Dominick:

H. 942. To provide for and authorize the closing of the county offices in court houses at twelve o'clock (noon), one day during each week, in counties having a population of not less than sixty thousand (60,000), nor more than sixty-five thousand (65,000) according to the last Federal census; and to authorize the boards of revenue, or like governing bodies, of such counties to designate and determine the day during each week when such offices may be closed.

By Mr. Livingston (with notice and proof):

H. 969. To require fifteen percent of the total funds received by Cherokee County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels, to be used for the purpose of paying interest on and establishing a sinking fund for the retirement of the \$95,000.00 in bonds of said county, issued for the purpose of constructing public roads in said county, authorized by an election held on April 2, 1923 requiring the county treasurer of said county to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof, with said funds, providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels, shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect.

By Mr. Livingston (with notice and proof):

H. 970. To relieve the Tax Assessor of Cherokee County from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order, according to beats, the original assessment lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

By Mr. Moore (with notice and proof):

H. 988. To relieve all persons in Bibb County, Alabama, of and from any and all legal obligation to work on the public roads in Bibb County, Alabama and to prohibit the levying and collection of a per capita road tax in Bibb County, Alabama.

By Mr. Hanks (with notice and proof):

H. 982. For the relief of F. W. McLane, of Talladega County, Alabama.

By Mr. Dominick:

H. 950. To amend an Act entitled "An Act to amend an Act entitled "An Act to amend Section 2377 of the Code of Alabama of 1923," approved July 22, 1931," approved March 15, 1933.

By Mr. Connor:

H. 756. To submit to the qualified voters of the State at the _____ election to be held on _____ for their consideration, an amendment to the Constitution of the State of Alabama, to be known as Section Two and Section Three of Amendment Number II, so as to authorize and empower the Legislature from time to time by general or local laws to change, merge, alter consolidate, or abolish county officers or the functions of office in Jefferson County, and to authorize the Legislature to create new or different officers to perform the services hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolished, and to authorize the Legislature by general or local laws to revise and change the existing laws relating to the assessment or collection of taxes or other revenue in Jefferson County.

The above bill was read a second time at length as required by the Constitution.

By Mr. McDermott (with notice and proof):

H. 978. To provide for the appointment of an Assistant to the Deputy Clerk in charge of the Criminal Division of the Circuit Court of Mobile County. To prescribe the duties and fix the compensation and salary of such Assistant Clerk.

By Mr. Welch:

H. 974. To provide for the Appointment of a Special Court Reporter for the Taking Down and Transcribing of Testimony taken ore tenus in Equity Cases in the Circuit Court in Judicial Circuits in the State of Alabama which do not include more Counties than one, and when that County has a Population of 300,000 or more, according to the last or any future Federal Census; to provide for his Tenure of Office, his Duties, and his Compensation; and to Further Provide for the Cost of his Services to be Taxed as a Part of the Costs of Court, and when Collected to be Paid by the Register in Chancery to such Special Court Reporter.

By Mr. Lee (Monroe) (with notice and proof):

H. 966. To better secure the administration of the financial affairs of Monroe County, Alabama, and for that purpose and to that end to vest in the Board of Revenue of said county more efficient power and control over all public funds that may now or hereafter be under its management and control; to limit its power

and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such board until the cash is available for their payment; to provide for a record of the financial status of the county; to provide that all temporary loans procured for enabling the county to meet its current obligations shall mature during the fiscal year in which they are made and shall be payable out of income for such year; to provide that this Act shall be effective on and after the first day of October 1935; and to repeal all laws in conflict with the Act.

By Mr. Calhoun (with amendment):

H. 973. To provide that all Cities in Alabama that now have, or may hereafter have a population of as much as 15,000 and less than 24,000, according to the last Federal Census, or any such census, which may hereafter be taken, shall be known and designated as "Class "D" Cities"; to provide and create a Commission Form of Municipal Government and to establish the same in all Class "D" Cities of Alabama as herein defined; to provide for a City Manager of said Cities, his authority, duties, liability and penalties, term of office and compensation; to abolish the offices of Mayor and aldermen or commissioners, as the case may be, and otherwise provide for the creation and maintenance of said Commission Form of Government and the City Manager Form of Government; to provide for the selections and elections of a Chairman and two (2) associate Commissioners in lieu of Mayor and aldermen or commissioners, as the case may be; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act; to provide for the adoption of the Commission Form of Government, with City Manager Government, under the provisions of this Act by an election, of the qualified electors of such City, the manner, method and provisions for the conduct of said elections; canvass of returns and proclamation by the Mayor or other governing authority of said City; To fix the duties, powers and compensation of the Board of Commissioners.

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hendley (with amendments):

H. 515. To provide that any and all salaries, fees, commissions, compensation, funds or money heretofore received, or here-

after received, now, or hereafter in the hands or possession of any executive, legislative or judicial officer or any public officer, or of any officer holding any civil office of profit under this State or in any county or municipality thereof, whether elected or appointed, or his successor in office, or their successors in office, or his respective representative or agent, personal representative or successor in interest, affected by or within the operation of the Amendment to The Constitution of Alabama, and known as Article 24 of the Constitution of Alabama, and duly ratified the 18th day of July, 1933, and proclaimed ratified on August 2, 1933, by the Governor, after deducting the reasonable expenses of conducting the office of such officer or person be paid to the county and to the credit of the general funds of the county in which such officer or person is now or has been performing or discharging his official duties, or be paid into the general funds of the State of Alabama in case such officer or person is now or has been performing or discharging his official duties for the State of Alabama and for no particular County; to make a full and detailed accounting of such reasonable expense of conducting such office; to provide for a penalty for failure to make such payments and such accountings of the reasonable expense of conducting such office, and to make the sureties on the official bonds liable for said funds and for all of the penalties, and to provide for the procedure of collecting such funds from such officers; and to declare any officer who neglects or fails to pay such sums of money due to the State or to his county within the time provided in this Act, and who neglects or fails to make the full and detailed accounting of such reasonable expense of conducting his said office, to be guilty of a misdemeanor, and to provide for the punishment thereof.

RESOLUTIONS

The Rules Committee reported the following Joint Resolution:

S. J. R. 114. Resolved by the Senate, the House concurring, that when the two houses adjourn today, they adjourn to meet again on September 4, 1935, at ten A. M.

Which was adopted.

The Rules Committee also reported the following Senate Resolution:

S. R. 115. Be it resolved by the Senate, that the Special, Paramount and Continuing Order of business for the afternoon session will be as follows:

1. Local Bills
2. Senate Bills
3. House Bills.

In each case to be called in the order in which they appear on the Calendar.

Which was adopted.

The Rules Committee also reported the following Joint Resolution:

S. J. R. 116. Resolved by the Senate, the House concurring, that the Regular Session of 1935, Alabama Legislature, adjourn sine die on the 49th Legislative Day.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

Yeas, 24; Nays, 3.

Yeas:

Messrs.:

Bonner	Mixon	Russell	Thomas
Carlton	Mooneyham	Simpson	Tucker
Fletcher	McDowell	Starnes	Walden
Glover	Parrish	Stephens	Walton
Kelly	Riddle	Swift	Wellborn
Kuykendall	Rogers (Mobile)	Taylor	Woodall

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Nays: Messrs.: Dorsey, Frazer, Locke

—3

Mr. Wellborn offered the following Resolution:

A RESOLUTION

S. R. 117. WHEREAS: There is a study being made at the present time by the managements of the railroads entering into and serving the Birmingham District attempting to devise a plan to consolidate the terminal facilities of such railroads, such consolidation being in compliance with the suggestions made by the coordinator of railroads, Mr. Joseph B. Eastman, and has for its purpose the financial welfare of the railroads and their stock and bondholders; and

WHEREAS: This plan of consolidation does not take into consideration the welfare of the employees, many of whom have spent the better part of their lives in the service of these carriers, and who will, if such program is carried out, in their advancing years, be left without employment; such number having been estimated by the coordinator to be between seven and eight hundred, most of them being citizens of long standing in their community and not have other means of making a living; and

WHEREAS: Due to the depression of business and the improved manner of handling their business, the carriers have, during the past five or six years reduced their forces more than 50%—those remaining in the service having had their earnings materially reduced because of reductions in hours and miles, voluntarily made by such employes in an effort to distribute the work among a greater number of employees; and

WHEREAS: If such consolidation is made it will be the means of adding between seven and eight hundred more families to the already over-burdened relief rolls of this county and will

seriously hamper efforts now being made by the Federal Government, thru county and city agencies, to end unemployment in this community. Further depriving this number of breadwinners of their mothly salaries will also take from the merchants of Birmingham, according to the estimates of Mr. Eastman, more than three-fourths of a million dollars in wages annually;

THEREFORE BE IT RESOLVED: That this Senate does hereby go on record as being most emphatically opposed to any plan of consolidation which will put a still greater number of workmen out of employment. That all honorable means at our command be used to combat this evil about to be forced upon our community; and

BE IT FURTHER RESOLVED: That a copy of this resolution be forwarded to the Hon. Hugo L. Black and Hon. John H. Bankhead, Senators from Alabama, all Congressmen from Alabama; the Hon. Bibb Graves, Governor of Alabama, and the Hon. Franklin D. Roosevelt, President of the United States.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House Bill:

By Mr. Dominick:

H. 506. To amend Section 9257 of the Code of Alabama of 1923, regarding printing and publication of legal advertisements.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House bill:

By Mr. Taylor:

H. 896. To adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such act and to make an appropriation therefor.

E. F. Taylor,
Clerk.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Stephens, further consideration of the bills:

S. 6. To amend Section 1508, Chapter 37, of the Political Code of Alabama of 1923.

Also:

S. 5. To amend Section 1507, Chapter 37, of the Political Code of Alabama 1923.

Was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Sanderson:

H. J. R. 371. WHEREAS, good business is the back bone of Prosperity and the merchants of the State of Alabama are approaching the annual Fall buying season; and

WHEREAS, the merchants of the City of Montgomery have undertaken to stimulate trade and business throughout the Montgomery Trade Territory by promoting a GREATER MONTGOMERY TRADE WEEK the week of Sept. 16-Sept. 21; and

WHEREAS, this effort is intended to loosen a flow of trade and commerce throughout the business channels of the State, THEREFORE

BE IT RESOLVED, by the House of Representatives, the Senate concurring, that the merchants of the City of Montgomery be complimented on their initiative and that this forward step be commended to the State at large to the end that business may be revived and that Alabama may once more become a land of plenty.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 371, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Simpson:

S. 19. To provide that courts of record of the State of Alabama shall have the power to render declaratory judgments and to provide for practice and procedure in such cases.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Miller:

H. 908. To amend Section 148 of Article 5 of House Bill 324 providing for the General Revenue of the State of Alabama.

Also:

By Mr. Owens (Madison):

H. 841. To amend Section 540 of the Code of Alabama of 1923.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 908, to the Committee on Finance and Taxation.

H. 841, to the Committee on Privileges and Elections.

BILLS ON THIRD READING

The bill:

H. 541. To limit the power and authority of the Board of Revenue, or other like governing body, of Lawrence County, Alabama, to incur obligations and to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes for that particular year; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of the county, that such record be kept up-to-date and open to inspection by the taxpayers; to provide for refunding all outstanding warrants and debts and to pledge the general and special funds for their payment; to provide that violations of this act be punishable by removal from office and fines not exceeding \$1,000.00, and imprisonment not exceeding one year or both for each offense.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut

Dorsey
Fletcher
Glover
Kelly

Kuykendall
Mixon
Mooneyham
McDowell

Parrish
Riddle
Rogers (Mobile)
Russell

Simpson
Starnes
Stephens

Swift
Taylor
Thomas

Tucker
Walden

Walton
Wellborn

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Nays:—None.

The bill:

H. 491. To define, insure the proper sanitary rules, prevent the spreading of diseases, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barber's commission for said counties; and to provide a penalty for the violation of the provisions hereof.

Was taken up.

The Committee on Local Legislation reported the following substitute for said bill to-wit:

A BILL

To be entitled An Act to amend Section II, III, V and VI of an Act entitled "An Act to define, regulate and license barbers and barber colleges, and other like business in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof," which became a law July 24, 1931, under Section 125 of the Constitution.

Be It Enacted By the Legislature of Alabama:

Section 1. That Sections II, III, V, and VI, of an Act entitled "An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof," which became a law on July 24th, 1931, be and the same is amended so that the same shall read as follows:

Section II. A barber, barber shop, barber college or other like business within the meaning of this Act is any person, firm partnership, co-partnership, association or corporation, who, for a valuable consideration, shaves or trims the beard; gives facial or scalp massages, or treats the same with oils or other preparations, singes, shampoos, cuts or dyes the hair of a human being, or applies hair tonic or other cosmetic preparations, clays, or lotions to the scalp, neck or face, or engages in the teaching of any person or persons in the art of barbering as in this paragraph defined. Provided, However, the provisions of this Act shall not apply to (1) persons engaged in the practice of medicine, surgery or beauty culture, (2) persons actively engaged in the military service of the

United States Government while acting in line of duty, (3) registered nurses in the course of their employment as such, (4) persons who render any of said services to members of their immediate families.

Section III. There is hereby created a Barbers' Commission for each county in the State of Alabama affected by this Act. The County Commission or like governing body of the counties affected shall appoint three persons, each of whom immediately prior to the date of his appointment has been a resident of the State for three years, and of the counties affected hereby for at least one year, and who has had at least five years' experience as a barber, one member to be appointed for a term of one year, one member to be appointed for a term of two years, and one member to be appointed for a term of three years, and until their successors are appointed and qualify, thereafter the term of the members of said Commission shall be for three years and until their successors are appointed and qualify, provided, however, that the member appointed during the calendar year 1936 shall be appointed for a term of two years; the member appointed during the calendar year 1937 shall be appointed for a term of one year, and when the terms of all three expire in 1938, their successor shall each be appointed for a period of two years, and thereafter all the members of said Commission shall be appointed for concurrent terms of two years each and until their successors are appointed and qualify. There shall be at no time more than two Commissioners residing or doing business in any one city, town or village, or counties affected hereby. Members to fill vacancies shall be appointed and vacancies caused by the expiration of the term shall by said person be appointed from time to time as required. The Commission immediately upon the qualification of the member appointed each year, or immediately upon the qualification of the three commissioners appointed together, after the year 1937, shall organize by selecting from its members a chairman, and may do all things necessary or convenient for carrying into effect the provisions of this Act. Each member of the Commission shall receive as full compensation for each day actually spent in the work of said Commission the sum of seven dollars per day and his actual and necessary expenses thereby incurred. The members of said Commission shall not be paid for their attendance for more than one meeting of not over one day's duration during each calendar week. The Commission shall appoint, and at its pleasure discharge, a secretary-examiner and an inspector and such assistants as may be deemed necessary to discharge the duties imposed by the provisions of this Act; said Commission shall outline their duties and fix their compensation subject to the general laws of this State. The Commission shall obtain such office space, furnishings, and other conveniences as shall be reasonably necessary for carrying out the

provisions of this Act. The inspector shall have the power and authority to arrest persons guilty of a violation of any of the provisions of this Act. The principal office of said Commission to be located at the county seat of the counties hereby affected. The Commission shall adopt a seal with such design as it may prescribe engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the Commission duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. All records kept in the office of the Commission under authority of this Act shall be opened to public inspection under such rules and regulations as shall be prescribed by the Commission. All fees and charges collected by the Commission under the provisions of this Act shall be paid into the treasury of the counties hereby affected and shall constitute a separate fund to be disbursed by the county treasurer on order of the Board of Commissioners and with the approval of the chairman of the Board of County Commissioners or Board of Revenue. All expenses incurred by the Commission, including the compensation of members and their employee, shall be paid out of such separate fund upon checks signed by the chairman of said Commission and approved by the Chairman of the Boards of County Commissioners or Boards of Revenue by the County Treasurer, provided the total expenses for every purpose incurred shall not exceed the total fees and charges collected and paid into the county treasury by said Commission and all moneys remaining in said separate fund at the end of the fiscal year not expended as herein provided shall become a part of the general fund of the county.

Section V. Whenever the masculine gender is used in this Act it is to include the feminine gender. Every applicant for a barber's license, apprentice-barber's license, or for a license to operate a barber shop or barber's college, or other like business, shall therefor in writing on blanks prepared or furnished by said barber's Commission. It shall be accompanied by the recommendation of at least two barbers doing business in said County, not related to applicant, certifying that the applicant is of good reputation, is qualified to practice the trade of barbering, and recommending that a license be granted. Said application shall be accompanied by the application fee hereinafter provided, and a reputable doctor's certificate certifying that said applicant has no communicable or contagious or infectious disease. Should said application not be approved, one-half the fee filed therewith shall be refunded to the applicant and one-half thereof shall be retained by the Commission for the expense of conducting the investigation and examination by this act required. The Commission, after applications in proper form have been filed, shall set the application down for a hearing (before refusing to issue a license), and

determination as hereinafter provided. The Commission shall issue a license in such form as it may prescribe, which shall show the name and address of the licensee and the barber shop and college, in which he is employed. The seal of the Commission shall be imprinted on the license, and such other additional matter placed thereon as the Commission may designate. It shall be the duty of each person, co-partnership, association or corporation to conspicuously display his license in his place of business. The Commission shall issue to each licensee a pocket card, on which shall be an imprint of the seal of the Commission certifying that the person whose name appears thereon is a licensed barber or operator of one of the businesses herein named as the case may be. The original fee for each barber's license shall be twenty-five dollars and the annual renewal fee shall be seven dollars and fifty cents. The original fee for each person to operate a barber shop, or other like business shall, in addition to the fee hereinbefore provided, pay two dollars and fifty cents for each chair maintained and an annual renewal fee of one dollar for each chair maintained in said business. The original fee for each person to operate a barber college shall in addition to the fee hereinbefore provided be one hundred dollars. Every license shall expire on the 31st day of December of each year. The Commission shall issue a new license for the ensuing year in the absence of any reason or condition that might warrant the refusal of granting of the license upon the receipt of the written request of the applicant accompanied by the annual fee, therefor, as herein required, and accompanied also by a certificate of a reputable physician asserting that the applicant then has no contagious, communicable, or infectious disease. The Commission may upon its own motion, and shall upon the verified complaint in writing of any three persons making out a prima facie case, investigate the actions of any person hereby affected, and shall have the power to suspend or to revoke any license issued under the provisions of this Act at any time where the licensee has fraudulently obtained a license, or where the licensee in performing or attempting to perform any of the acts mentioned herein is deemed to be guilty of (a) the violation of any state, county or city statute or ordinance pertaining to the operation of the business hereby affected, (b) the violation of any rule or regulation established by the Commission, (c) or who has failed upon the request of the secretary-examiner to give evidence and/or proof of the compliance with the same. The Commission shall, before denying an application for a license, or before suspending or revoking any license, set the matter down for a hearing, and at least twenty days prior to the date set for the hearing, notify the applicant or licensee in writing, which notice shall contain an exact statement of the charges made and the date and place of hearing. The applicant or licensee at all such hearings shall have the oppor-

tunity to be heard in person and by counsel. Such notice may be served by delivery of the same personally to the applicant or licensee, or by mailing the same by registered mail to the last known business address of such applicant or licensee. In preparation and conduct of hearings, the Commission shall have power to require by subpoena the appearance and testimony of witnesses and the production of papers, and any member of the Commission may sign subpoenas, administer oaths, and examine witnesses. The fees and mileage shall be the same as prescribed by law in judicial procedure in the courts of this state in civil cases. Any party to a hearing shall have the right to the attendance of witnesses in his behalf. In case of disobedience to a subpoena, any member of the Commission may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers and such court may issue an order requiring the persons to appear before the Commissioner, and give evidence or produce papers, as the case may be, and any failure to obey such order of the court may be punished by the court as a contempt thereof. Any person so refusing to appear and give testimony required by such Commission shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, as provided by this Act. If the Commission shall determine that any applicant is not qualified to receive a license, or that any licensee is guilty of a violation of any of the provisions of this Act, a license shall not be granted, or the same suspended or revoked, as the case may require. Upon request of the applicant or licensee in writing, the Commission shall furnish said party with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for its suspension or revocation of same. The findings of the Commission may be appealed to the Circuit Court of the County in which the principal office of the Commission is located, provided an appeal is taken within thirty days after such final determination of the Commission. Any person desiring to appeal, under this section shall file with the Commission or some member thereof, a notice in writing that he appeals to the Circuit Court, with at least one solvent surety payable to the County wherein the case will be tried, conditioned to prosecute such appeal to effect, and upon failure so to do, to pay all costs and damages which may be taxed against him by the Circuit Court on such appeal. Such bond to be approved by the Circuit Clerk of the County and any cause so appealed shall be tried de novo in said Circuit Court. The Commission shall at least every three months hold an examination for the purpose of determining the qualifications of any applicants to become barbers or barber apprentices, and shall conduct said examination in accordance with the provisions hereof and in accordance with the rules and regulations promulgated by said Commission not incon-

sistent with this Act. Said examinations to be conducted in the city, town, or village, where the principal office of the Commission is located.

Section VI. Any person violating the provisions of this Act shall upon conviction be punished by a fine of not more than one hundred dollars, or by imprisonment for a term not to exceed six months, or by both fine and imprisonment in the discretion of the court. This provision shall have application to any officer or agent of a corporation, co-partnership, or association operated in violation of this Act. Any court of competent jurisdiction in said County shall have full power to try any violation of this act, and upon conviction the court may at its discretion revoke the license of the person, co-partnership, association, or corporation violating the terms hereof. Before the Commissioners herein provided for shall receive a commission and enter upon the discharge of their duties, each shall take and subscribe the oath provided by law to be taken by elective officers of the State of Alabama.

Section 2. The provisions of this Act having the effect of reducing the annual renewal license fee for barbers from the previous sum of fifteen dollars to seven dollars and fifty cents shall not become effective until January 1st, 1936.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	Mooneyham	Stephens	Walton
Dorsey	Parrish	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	Mooneyham	Stephens	Walton
Dorsey	Parrish	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 595. To authorize and empower the County Board of Education, or other like body by whatsoever name it may be called, in all counties in this State having a population according to the last or any subsequent federal census in excess of 300,000 to employ from time to time a certified public accountant to audit the books of said body, and the books of the County Treasurer of School Funds or other custodian of school funds, and to pay for the services of such accountant out of public school funds, and to repeal all laws and parts of laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 810. To amend Sections 2, 5 and 8 and to make more certain the repeal of Section 9½ of an Act entitled "An Act to better provide for holding the Circuit Court of the Tenth Judicial Circuit at Bessemer, in and for the following portions of Jefferson County, to-wit: Williams Precinct No. 1, Jonesbore Precinct No. 2, Parsons Precinct No. 3, Aarons Precinct No. 4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7, Meeks Precinct No. 24, Toadvine Precinct No. 27, Bessemer Precinct No. 33, Gwins Precinct No. 35, Hueys Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53 and Brighton Precinct No. 55, to define the jurisdiction thereof, to provide for organizing and empaneling grand juries therefor and define the jurisdiction of said grand juries, to regulating the holding of said court at said place, and otherwise provide therefor", approved August 18th, 1919, said amendment operating to rearrange the territorial boundary lines of the jurisdiction of said court so held at Bessemer, and defining the boundary lines thereof by metes and bounds instead of precincts, and making more certain the elimination of Section 9½ therefrom.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

*Nays:—None.**The bill:*

H. 725. To amend Sections 2, 4, 9, 10, 11, 17 and 18 of an Act of the Legislature approved September 10th, 1919 entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said Court, the Judge, the Clerk and other Officers thereof; to provide for a place of holding said Court, terms and salaries of said Judge and Officers of said Court, the manner of their appointment and election and the payment of their salaries." (Local Acts 1919, p. 121) as amended by an Act of the Legislature approved February 9th, 1923, entitled "An Act to amend an Act entitled 'an Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and such other officers thereof; to provide a place of holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919; and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority; and to provide for the creation of an ex officio judge of said court, and to define his duties." (Local Acts 1923, p. 16) as amended by an Act of the Legislature approved September 19, 1923, entitled "An Act to amend Section 10 of an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and powers of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said Judge and officers of said court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex officio judge of said court, and to define his duties." (Local Acts 1923 p. 215) as amended by an Act of the Legislature approved July 21, 1931, entitled "An Act to amend an Act approved September 10th, 1919, entitled 'An

Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said Court, the Judge, the Clerk and other officers thereof; to provide for a place of holding said Court, terms and salaries of said Judge and officers of said Court, the manner of their appointment and election and the payment of their salaries.' (Local Acts 1919 page 121). And to Amend an Act of the Legislature approved February 9th, 1923, entitled 'An Act to amend an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and power of said Court; a judge, a clerk, and other officers thereof; to provide a place for holding said Court, the terms and salary of said Judge and officers of said Court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919, and to provide for the increase of the salary of the Judge and other officers of said Court, and to amend the provisions as to the Judges, Officers and Employees of said Court, their number, appointment and authority, and to provide for the creation of an ex officio judge of said court, and to define his duties.' (Local Acts 1923, p. 16). And to repeal an Act approved September 24th, 1923 entitled "An Act to create the office of first assistant clerk and ex officio judge of the Jefferson County Court of Misdemeanors; to define his duties, compensation and authority, to provide for his appointment and compensation, the equipment and location of his office and for the repeal of all laws in conflict with the provisions of this Act.' (Local Acts 1923, page 231). And to repeal an Act approved August 25th, 1927, entitled 'An Act to further amend an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and power of said Court, the Judge, Clerk and other officers thereof; to provide for the place of holding said Court, terms and salaries of said Judge and Officers of said Court, the manner of their appointment and election, and the payment of their salaries,' approved September 10th, 1919, and the Act amending said Act approved February 9th, 1923, and to provide for the increase of the salary of the Judge and other Officers and Employees of said Court, and to amend the provisions as to the Judge, Officers and Employees of said Court, their number, appointment, authority and to provide for the creation and manner of appointment, duties and salary of an additional Judge of said Court, to be known as Supernumerary Judge.' (Local Acts 1927, page 260)," (Local Acts 1931, p. 250); to provide for the terms, qualifications, method of appointment, and salaries of temporary Judges of said Court; to provide a clerk for said Court, his duties, qualifications, method and condition of appointment, and compensation; to provide deputy clerks for said Court, their duties, method and condition of appointment, and compensation; to abolish the office of marshal of said Court and transfer the functions

of said office to the office of the sheriff of said county; to provide a solicitor for said Court, his duties, qualifications, method and condition of appointment, and compensation.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 787. To abolish the First Division of the Municipal Court of Birmingham upon the establishment of the Intermediate Civil Court of Birmingham and to provide for the transfer and disposition of the pending causes and judgments of the said First Division of the Municipal Court of Birmingham.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 833. To permit the governing body of any municipality in this State having a population of not less than 24,000 nor over 60,000, according to the last or any succeeding Federal census, to levy a license tax of three-fourths of one cent per gallon on all gasoline or other motor fuel sold in such municipality and pledge the same to secure bonds or other obligations hereafter issued for building and equipping school buildings therein.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Carlton	Fletcher	Kelly
Browder	Chesnut	Glover	Kuykendall

Locke	Rogers (Mobile)	Swift	Walden
Mixon	Russell	Taylor	Walton
McDowell	Simpson	Thomas	Wellborn
Parrish	Starnes	Tucker	Woodall
Riddle	Stephens		

—26

Nays:—None.

The bill:

H. 431. To require all county officials of Henry County, Alabama, to pay the premiums on their official bonds and to make it unlawful to make the premiums of such official bonds a charge against the County and payable out of the County Treasury.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:			
Bonner	Kuykendall	Russell	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 856. To relieve Tax Assessors in all Counties in Alabama which now have, or which may hereafter have a population of not less than fifty-four thousand and not more than sixty-four thousand and two hundred according to the last Federal Census, or any such census which may be taken hereafter, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as a permanent record and prepare Tax Collectors Abstracts from said assessment lists.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to said bill to-wit:

Amend the title to House Bill No. 856 by striking therefrom the words "Fifty-four Thousand", and inserting in lieu thereof the words "Thirty Thousand."

Amend House Bill No. 856, Section 1, by striking therefrom the words "Fifty-four Thousand" and inserting in lieu thereof the words "Thirty Thousand."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walton
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 868. To provide that all cities in this State having a population of not less than 24,000 and not more than 40,000 according to the last or any future Federal census may levy a license tax of not exceeding TWO CENTS per gallon on all gasoline or other motor fuel sold in such city.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 788. To establish an inferior court of record to be called the Intermediate Civil Court of Birmingham; to define the jurisdiction and powers of said court and the officers thereof; to provide for the election or appointment of the judge, clerk and other officers of said court; to fix the terms or tenures of office of the

officers of said court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said court and fix the method of service of all processes therefrom; to create and designate the officials to serve processes issued by said court and provide compensation therefor; to designate the officers of said court and define their duties and the duties of other officials with respect to said court; and to provide for appeals from said court and regulate the manner of taking same.

Was taken up.

The Committee on Local Legislation reported the following amendment to said bill to-wit:

AMENDMENTS TO HOUSE BILL 788

1. Amend Section 10 thereof by striking therefrom the words, "With respect to processes issuing from Courts of Justices of the Peace in said County, but the fees of the Sheriff shall be covered into the county treasury. All processes in cases where the amount in controversy is over \$100.00 shall be served by the Sheriff, but processes in other cases may be delivered by the clerk to the Sheriff or to the said constables under such rules of the court as the Judge may prescribe", where the same occurs therein, and insert in lieu thereof the following: "All processes in cases where the amount in controversy is over \$100.00 shall be served by such constables, as herein provided, and they shall receive the same fees as are now allowed them by law for like services in the Municipal Court of Birmingham."

2. Amend Section 14 thereof by striking therefrom the word "Sheriff" wherever the same occurs therein.

3. Amend Section 25 thereof by striking therefrom the word "Sheriff" where the same occurs therein, and inserting in lieu thereof the following: "Constables of the Court entitled thereto."

4. Amend Section 26 thereof by striking therefrom the words, "Sheriffs or."

On motion of Mr. Simpson, said amendment was laid on the table.

And said bill was then read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall
Browder	Locke
Carlton	Mixon
Chesnut	McDowell
Dorsey	Parrish
Fletcher	Riddle
Kelly	Rogers (Mobile)

Russell
Simpson
Starnes
Stephens
Swift
Taylor

Thomas
Tucker
Walden
Walton
Wellborn
Woodall

--26

Nays:—None.

The bill:

H. 518. To create in all cities of the State of Alabama, which have a population of as much as two hundred thousand people according to the last Federal Census, or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire departments of such cities; to provide for the organization of such board of trustees; to designate certain members of the said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to continue as trustees the members of such board as now exist under existing laws during the terms for which they have been elected, same to be trustees under this act in their respective cities which are governed by this act and where this law applies; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department and the widows, minor children and dependent widowed mothers of such disabled and retired members; and to continue benefits and relief under this law to such as are receiving same under existing laws in such cities as are governed by this law; to declare the said Board of Trustees the trustees of such fund, to provide for the use, management and control of such fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into such funds of the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for sworn statements to be made to the Treasurer or Comptroller of such cities by all persons, firms or corporations which conduct a fire insurance agency or brokerage business within such cities, and to prescribe the penalty for failure to make and file such statements, and for enforcing such penalty; to provide for the payment into such fund dues to be collected from property owners who carry no fire insurance but who carry or set aside a reserve fund against loss or damage by fire or who carry insurance in or with fire insurance companies not authorized to do business in the State of Alabama, to provide for verified statements to be made by such property owners to the Commissioner of Insurance, to provide for the collection of such dues, and to prescribe the penalty for failure to make such pay-

ment and/or verified statement, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize, and empower such cities to pay into such fund a part of the revenue received from licenses issued by such cities; to transfer and convert into the respective Firemen's Pension and Relief funds as created and provided in this Act the respective funds and moneys and properties constituting Firemen's Pension and Relief funds as are existing respectively under existing laws in Alabama in the cities which shall come under and be governed by the provisions of this Act; and to provide for the administration and use of same; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments, and the widows, minor children and dependent widowed mothers of such disabled retired members; to provide for the payment of One Hundred (\$100.00) Dollars out of such funds, upon the death of an active or retired member of such fire department, to the beneficiary of such deceased member; to provide for fixing the status of paid members of the fire department of any City, Town, Suburb, or Settlement which may be annexed or become a part of Cities which shall come under and be governed by the provisions of this Act, relative to the retention of such paid members, and the granting of pensions and relief privileges to them; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the City Attorney and City Physician in connection with the said Board of Trustees and the said fund; to provide for medical examination and diagnosis of the physical or mental condition of sick or disabled members of such fire department; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits of said fund from levy; to provide the time of taking effect of this Act.

Was taken up.

The Committee on Local Legislation reported the following amendment to said bill to-wit:

Amend Section 11 of House Bill 518 by adding at the end of said section the following: "Provided, however, that the said sum equal to one and one-half per centum of gross premiums, less return premiums, required by paragraph (c) of this Section 11 to be paid by Fire Insurance Companies into said Firemen's Pension and Relief Fund shall be treated and held to be a part of the maximum of four per cent. (4%) on each One Hundred Dollars, or major fraction thereof, of gross premiums, less return premiums, which any municipal corporation may by law impose upon any Fire Insurance Company in any one year as a license or privilege tax for the privilege of doing business in such municipality during

such year under Schedule 160.10 of Section 348, Chapter 8 Article 13 of the General Revenue Act of 1935 approved July 10th, 1935."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover	Riddle		

—26

Nays:—None.

Mr. Simpson offered the following amendment to said bill as amended to-wit:

Amend Section 25 of H. B. 518 by adding thereto and as a part of the last sentence of Section 25 thereof the following additional words and figures viz; "except that nothing herein contained shall have the effect of reducing the pension of any pensioner retired as Chief of the Fire Department below the sum of one hundred dollars per month, it being the intent hereof that such pensioner so retired or such Chief shall in all events receive a minimum monthly benefit of one hundred dollars or more.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover	Riddle		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover	Riddle		

—26

Nays:—None.

The bill:

H. 578. To amend sections 2, 3 and 5 of an Act, entitled an Act, to create the office of County Road Supervisor for Henry County, Alabama, (H. 536) approved November 4th, 1932, so as to further regulate and prescribe the powers, authority and duties of said Road Supervisor; to further prescribe the manner or mode of his election and/or appointment; and the election and/or appointment of his successor; to further prescribe and fix his term of office and to fix his salary; and to fix penalties for the violation of this Act.

Was taken up.

The Committee on Local Legislation reported the following substitute for said bill to-wit:

A BILL

To be entitled An Act to amend sections 2, 3 and 5 of an Act, entitled an Act to Create the Office of County Road Supervisor for Henry County, Alabama, (H. 536) approved November 4th, 1932, so as to further regulate and prescribe the powers, authority and duties of said Road Supervisor; to further prescribe the manner or mode of his election and/or appointment; and the election and/or appointment of his successor; to further prescribe and fix his term of office and to fix his salary; and to fix penalties for the violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That said section 2 of said Act be and the same is hereby amended so as to read as follows: Section 2. That in the general election to be held throughout the County in 1934 the qualified electors of Henry County, Alabama, shall elect a County Road Supervisor, who shall be a competent road builder and who shall be a qualified elector and a resident of the County, and who shall hold office for a term of two years and until his successor is elected and qualified; and in the general election to be held throughout the County in 1936 and every four years thereafter there shall be elected for the County a County Road Supervisor, possessing all the qualifications hereinabove set out, and who shall hold office for a term of four years and until his successor is elected and qualified, and nomination for which office may be made in primary elections as other County officers under the General Primary Election Laws of Alabama.

Section 2. That said section 3 of said Act be and the same is hereby amended so as to read as follows: Section 3. That said County Road Supervisor shall have the general supervision and care of maintaining, repairing, and improving the public roads and bridges of the County, and the building of new roads and bridges when such roads and bridges are established by the Court

of County Commissioners of said County. Said Road Supervisor shall employ, and with the approval of the Court of County Commissioners fix the compensation of all overseers, workmen and laborers required for said work and shall with the counsel, assistance and approval of said Court of County Commissioners, purchase all necessary road machinery, materials, teams, tools, supplies and equipment, as hereinafter provided, used in and about the work of the public roads and bridges of the County, and he shall perform all such other duties relating to the maintenance, improvement or construction of highways and bridges as may be required of him by the general laws of the State of Alabama, or by the local laws of the County, or by the Court of County Commissioners of said County. Beginning on the first Monday after the second Tuesday in January, 1937, said County Road Supervisor shall receive for his services the sum of Fifteen Hundred (\$1500.00) Dollars per annum, to be paid in equal monthly installments out of the gasoline tax fund or any other available funds of the County, upon warrants drawn by the Probate Judge of the County, and in addition thereto shall be provided by the said Court of County Commissioners with necessary means of transportation to enable him to discharge the duties of his office.

Section 3. That said Section 5 of said Act be and the same is hereby amended so as to read as follows: Section 5. That where purchase of road-building equipment, materials or tools involves an amount less than Ten (\$10) Dollars, such purchases shall be made in the open market by said Road Supervisor, who shall attach to the succeeding monthly pay roll a sworn itemized statement of such purchase or purchases from the seller. "That when any purchase to be made by the Road Supervisor exceeds \$10.00 and is less than \$50.00, he shall procure a requisition for each purchase from the Probate Judge and he, the Road Supervisor, shall secure as many written signed bids from merchants or dealers in the articles or article to be purchased, in no case less than two, as the requisition indicates, and the Probate Judge must, when said requisition is issued by him, indorse on each requisition the number of bids required, and the purchase must be made from the lowest bidder as indicated by the bids, and each of said bids must be attached to the succeeding monthly pay roll along with the sworn itemized statement of the seller of each purchase as hereinabove provided for with reference to purchases of ten dollars or less." That where any purchase by the Road Supervisor is more than \$50.00 and less than \$250.00 two weeks' written notice shall be given that bids will be received for such purchases or contracts by posting same on the bulletin board at the County Court House. That where the amount involved is more than \$250.00 notice by ad-

vertisement in some County paper for two consecutive weeks with 20 days' notice must be given that bids will be received for such purchases or contracts; also by posting notice thereof on the bulletin board at the Court House of Henry County for a period of 20 days; also by written notice, by registered mail, with return receipt requested, to at least three merchants or dealers in the goods or materials to be purchased. And like notice of any contract to be let to at least three contractors engaged in the work contemplated. Such notice or notices in all cases to be given by the County Road Supervisor. Such notice or notices, together with return receipts, the said Road Supervisor shall file with the Court of County Commissioners. Any and all contracts made and entered into, or purchases made by the County Road Supervisor, with the approval of the Court of County Commissioners, including all contracts of rental of road machinery or other materials or supplies, in violation of the terms of this section, shall be null and void. Provided that the foregoing provisions do not apply to the purchase of services or machine or implement parts of specifically made machines not handled generally by merchants or supply houses. And provided further that where the County, the State and/or the Alabama Relief Administration are engaged in any two or three way project bids for road materials or machinery hire which have been accepted by either the State or the Alabama Relief Administration, including the Works Progress Administration, shall be accepted as legal and binding on Henry County. And it shall also be the duty of the Road Supervisor to make a report monthly to the Court of County Commissioners in which he shall state the date of purchase, the name of the seller and the amount of purchase of all outstanding and unpaid bills chargeable against the gasoline fund, in order that the sum total of obligations outstanding against said fund may be accurately ascertained from month to month. And it shall also be the duty of the Road Supervisor to devote his entire time to the work of supervising roads and bridges of the County and to the performance of all duties now required of him by existing laws, in connection with the work of constructing, repairing and maintaining the public roads and bridges of the County and as required of him by the provisions of this Act.

Section 4. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 5. That if any clause, sentence, paragraph, section or provision of this Act be declared unconstitutional by a Court of competent jurisdiction, the same shall not affect any other clause, sentence, paragraph, section or provision of this Act.

Section 6. That this Act shall take effect immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Simpson	Tucker
Browder	Locke	Starnes	Walden
Carlton	Mooneyham	Stephens	Walton
Chesnut	McDowell	Swift	Weaver
Fletcher	Parrish	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 773. To allow the Register in Chancery of the Circuit Court of Etowah County, Alabama, a clerk; to provide for the appointment and tenure of office of said clerk; to fix the salary of said clerk and to make the same payable out of the general funds of Etowah County in monthly installments; to provide that the Board of Revenue may discontinue and re-instate said allowance from time to time.

Was taken up.

Mr. Starnes offered the following substitute for said bill to-wit:

Amend House Bill No. 773 to read as follows:

A BILL

To be entitled an Act to allow the Register in Chancery of the Circuit Court of Etowah County, Alabama, a clerk; to provide for the appointment and tenure of office of said clerk; to fix the salary of said clerk and to make the same payable out of the general funds of Etowah County in monthly installments.

Be It Enacted By the Legislature of Alabama:

Section One: That the Register in Chancery of the Circuit Court of Etowah County, Alabama, is allowed one clerk, to be appointed by said Register and to hold office during the pleasure of said Register, which said clerk shall receive a salary of \$900.00 per annum, to be paid in monthly installments out of the General Funds of said County.

Section Two: That on the first day of each month a statement of the name and amount due said clerk shall be furnished to the Board of Revenue by the said Register in Chancery and it shall thereupon be the duty of said Board to order a warrant drawn upon the General Funds of the County payable to said clerk for the amount of one month's salary as hereinabove provided.

Section Three: That all laws and parts of laws in conflict with this Act are hereby expressly repealed, and this Act shall be in full force and effect from the date of its approval by the Governor.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Dorsey	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Woodall
Glover	Riddle		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Stephens	Walden
Dorsey	McDowell	Swift	Walton
Fletcher	Parrish	Starnes	Woodall
Glover	Riddle		

—26

Nays:—None.

The bill H. 814:

A BILL

To be entitled an Act to provide and submit to the qualified electors of the State of Alabama, at an election to be held on the second Tuesday next after the expiration of three months from

the date of the final adjournment of the present session of the Legislature an amendment to the Constitution of the State of Alabama, continuing the amount of taxes which may be levied by the Governing Body of the Municipality of Attalla, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State, is hereby authorized upon such proposed amendment and the day appointed for such election is the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed. The amendment proposed is as follows:

(a) That the Municipality of Attalla, Alabama, through its governing body, may levy and collect from and after the date of this amendment the present rate of one per cent ad valorem tax per annum, and said amount to be devoted to the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said municipality, but before any additional tax now authorized by law can be levied, it must be voted by a majority of qualified electors of the Municipality voting on such proposition at an election called by the governing body of said Municipality for such purposes; providing that the total tax levied for all purposes by the said Municipality at Attalla shall not exceed one per centum in any one year on the property situated therein, based on the valuation of such property as assessed for State taxation.

(b) That the adoption of this amendment shall in no wise effect, limit, modify, abridge or impair the power, authority or right of such Municipality to levy and collect the special school taxes now or hereafter vested in or conferred upon it under the Constitution or any amendment thereto.

(c) Each election held under the provisions of this Amendment shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to Municipal Corporations, for elections to order the issuance of municipal bonds. The ballots used at such election shall contain the following words:

"For authorization of a continuation of taxation at a rate not to exceed one per cent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality."

"Against authorization of a continuation of taxation at a rate not to exceed one per cent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other

purposes as may be designated by the governing body of said Municipality."

The rate of taxation proposed shall be printed upon the ballot in the space indicated therefor and for the year or years in which the proposed rate is to apply, and the purpose or purposes for which said tax is to be used shall likewise be placed in the respective places therefor. The voter shall record his choice either for or against authorization of the proposed rate for the proposed purpose or purposes by placing a cross mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or effect the rights of any holder of bonds of said Municipal Corporations heretofore issued. Elections in said Municipality to order the levy of such tax may be held as often as ordered by the governing body thereof, but when a proposition is submitted to the said Municipality hereunder and such proposition is defeated, no second election shall be held in such municipality for one year thereafter. This amendment shall be self-operative without any additional legislation.

Section 2. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county of the State for at least four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Rogers (Mobile)	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Fletcher	Parrish	Stephens	Wellborn
Glover	Riddle	Taylor	Woodall
Kuykendall			

—25

Nays:—None.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Riddle, further consideration of the bill:

S. 72. To amend Section 7365 of the Code of Alabama, 1923.

Was indefinitely postponed by the Senate.

On motion of Mr. Woodall further consideration of the bill:

S. 290. To amend Section 5742 of the Code of Alabama of 1923.

Was indefinitely postponed by the Senate.

On motion of Mr. Woodall the bill:

S. 295. To amend Section 10615, Code of Alabama of 1923.

Was indefinitely postponed.

On motion of Mr. Thomas, further consideration of the bill:

S. 303. To amend Section 7887 of the Code of Alabama of 1923.

Was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The bill:

H. 782. To require officers and employees of counties, cities and towns in Alabama to present itemized statements of expenses incurred while traveling and/or remaining beyond the limits of counties and municipalities while engaged in business incidental to the management or control of the affairs of the counties and municipalities and to prohibit the allowance and payment of such expenses unless itemized and approved; and to provide penalties for the violation of this Act.

Was read a third time at length and passed.

Yeas, 19; Nays, 2.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas	
Chesnut	Locke	Simpson	Tucker	
Dorsey	Mixon	Starnes	Walden	
Fletcher	McDowell	Stephens	Wellborn	
Glover	Rogers (Mobile)	Taylor		—19

Nays: Messrs.: Walton and Woodall

—2

The bill:

S. 267. To provide that the several probate courts of this State are hereby authorized to relieve minors over eighteen years of age from the disabilities of non age in the same manner and upon the same terms and conditions as is now provided by Sections 8280 to 8285 inclusive of the Code of Alabama of 1923.

And to provide that all the duties required by Sections 8280 to 8285 inclusive of the Code of Alabama of 1923 to be performed by the register of the Circuit Court shall be performed by the Judge of the Probate Court having jurisdiction and he shall be entitled to receive and collect all the costs and fees now collected by the Register of the Circuit Court for performing the same services.

And to provide that this act is intended to give the Probate Court concurrent jurisdiction with the Circuit Court in equity and is not exclusive.

And to provide that all laws and parts of laws in conflict herewith are hereby repealed.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 16; Nays, 7.

Yeas:

Messrs.:

Chesnut	Kuykendall	Parrish	Stephens
Fletcher	Locke	Riddle	Tucker
Frazer	Mixon	Rogers (Mobile)	Wellborn
Glover	McDowell	Starnes	Woodall

—16

Nays:

Messrs.:

Bonner	Dorsey	Thomas	Walton
Carlton	Taylor	Walden	

—7

The bill:

S. 285. To provide that any gift, devise or bequest for any benevolent, religious, educational or charitable purpose, or to any city, county, municipality, corporation or association for such purpose is void in excess of more than one-fourth of the estate where the will making such gift, devise or bequest is executed less than six months prior to the death of the testator or testatrix and husband or wife or issue or adopted child or children survive such testator or testatrix.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 1.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Taylor
Carlton	Kelly	Rogers (Mobile)	Thomas
Chesnut	Kuykendall	Simpson	Walden
Dorsey	Locke	Starnes	Wellborn
Fletcher	Mixon	Stephens	Woodall

—20

Nay: Mr. Walton

—1

The bill:

S. 296. To amend Section 10577, Code of Alabama of 1923.

Was read a third time at length and lost.

Yeas, 11; Nays, 16.

Yeas:

Messrs.:

Chesnut
Fletcher
Frazer

Glover
Kuykendall
Simpson

Stephens
Swift
Tucker

Wellborn
Woodall

—11

Nays:

Messrs.:

Bonner
Carlton
Dorsey
Kelly

Locke
Mixon
Mooneyham
McDowell

Parrish
Riddle
Rogers (Mobile)
Starnes

Taylor
Thomas
Walden
Walton

—16

The bill:

S. 297. To provide that any will except an unattested holographic will which is executed without the state and in the United States or any of its possessions in the mode prescribed by the law of the place where it is executed shall have the same force and effect as if executed according to the laws of this State and may be admitted to probate.

Was taken up.

Mr. Rogers of Mobile offered the following amendment to said bill to-wit:

Amend Senate Bill No. 297 by inserting in Section One immediately after the words "or in its possessions" and just before the words "in the mode prescribed by law" the following: "or in the Dominion of Canada."

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner
Carlton
Chesnut
Dorsey
Fletcher
Glover

Kelly
Locke
Mixon
Mooneyham
McDowell
Parrish

Riddle
Rogers (Mobile)
Simpson
Starnes
Stephens
Swift

Taylor
Tucker
Walden
Walton
Wellborn
Woodall

—24

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner
Chesnut
Cook

Dorsey
Fletcher
Frazer

Glover
Kelly
Locke

Mixon
Mooneyham
McDowell

Riddle	Stephens	Thomas	Walton
Rogers (Mobile)	Swift	Tucker	Wellborn
Simpson	Taylor	Walden	Woodall
Starnes			

—25

Nays:—None.

The bill:

S. 301. To amend Section 7918, Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:			
Bonner	Glover	McDowell	Tucker
Chesnut	Kelly	Rogers (Mobile)	Walden
Cook	Kuykendall	Simpson	Walton
Dorsey	Locke	Stephens	Wellborn
Fletcher	Mixon	Thomas	Woodall
Frazer	Mooneyham		

—22

Nays:—None.

The bill:

S. 71. To repeal Sections 405, 406, 407, 408, 409, 410, 411 and 412 of the Code of Alabama of 1923, and repeal an act entitled "An Act to further regulate the voting of absentee ballots in the State of Alabama; to prohibit the Judges of Probate and other officers from handling absentee ballots in elections where such officers are candidates; to provide for and require election officers for handling and tabulating absentee ballots; to provide for the punishment of violations; and to repeal such parts of present laws as are in conflict herewith," approved April 19, 1933.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 17; Nays, 11.

Yeas:

Messrs.:			
Bonner	Frazer	Locke	Taylor
Carlton	Glover	Mooneyham	Thomas
Chesnut	Kelly	Rogers (Mobile)	Walden
Dorsey	Kuykendall	Swift	Walton
Fletcher			

—17

Nays:

Messrs.:			
Cook	Riddle	Starnes	Tucker
Mixon	Russell	Stephens	Wellborn
McDowell	Simpson	Thomas	Woodall

—11

Mr. Kelly moved to re-consider the vote by which said bill was just passed, which motion was lost and the Senate refused to re-consider said vote.

Yeas, 11; Nays, 17.

Yeas:

Messrs.:

Cook
Mixon
McDowell

Riddle
Russell
Simpson

Starnes
Stephens
Tucker

Walton
Wellborn

—11

Nays:

Messrs.:

Bonner
Carlton
Chesnut
Dorsey
Fletcher

Frazer
Glover
Kelly
Kuykendall

Locke
Mooneyham
Rogers (Mobile)
Swift

Taylor
Thomas
Walden
Woodall

—17

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

S. J. R. 114. Relative to the two houses adjourning today to meet again on September 4, 1935, at 10 A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has adopted the following House Joint Resolution:
By Mr. Almon:

H. J. R. 385. Be it resolved by the House of Representatives, the Senate concurring:

WHEREAS, The House of Representatives and the Senate of Alabama have heretofore passed House Bill Number 731 which provided for the appointment by the Governor of a Peoples Public Service Attorney, and

WHEREAS, The duties of the Peoples Public Service Attorney was among other things to represent the rights of the public in matters now pending and hereafter arising involving any public utility before the Public Service Commission, and

WHEREAS, The Alabama Water Service Company is a public utility serving numerous municipalities in the State of Alabama,

Therefore, BE IT RESOLVED, that the Peoples Public Service Attorney when the same shall have been appointed by the

Governor shall investigate the rates and service charges made by the Alabama Water Service Company in the different municipalities of the State of Alabama with the view of having reduced the charges made by said public service utility.

BE IT FURTHER RESOLVED, that a copy of this Resolution be furnished to each member of the Public Service Commission and the Peoples Public Service Attorney when appointed by the Governor.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 385, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Shaver:

H. 471. To amend section 1943 of the Code of Alabama of 1923, relating to appeals by defendants in City cases.

Also:

By Mr. Shaver:

H. 709. To amend Section 1950 of the Code of Alabama of 1923.

Also:

By Mr. Shaver:

H. 708. To amend Section 1938 of the Code of Alabama of 1923.

Also:

By Mr. Toomer:

H. 983. To regulate and to restrict nepotism in the public elementary and high schools of the State and to provide penalties for the failure to observe the regulations established.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House bills 471, 708 and 709, to the Committee on Judiciary.

House bill 983, to the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Mr. Sanderson:

H. 887. To amend Schedule 96 of Section 348, Chapter 1, Article 13 of an Act "to provide for the General Revenue of the State of Alabama" known as House Bill 324, approved July 10th, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 887, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 860. To amend Sections 2874, 2875, 2880, 2885, 2886, 2888, 2889, 4387, 4389 and 4390 Code of Alabama 1923, relative to the practice of optometry.

Also:

H. 913. To create and provide for and regulate a Department of Labor in the State of Alabama; to prescribe its authority and jurisdiction, and provide for a Commissioner of Labor and fix his salary and define his duties.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. McDermott:

H. 889. To amend Section 28 of an Act, entitled "An Act to create a Pilotage Commission to be known as the State Pilotage Commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act and to repeal all laws in conflict therewith," approved March 4, 1931.

Also:

By Mr. Coleman:

H. 1019. For the purpose of paying a debt of honor and to do honor to Alabama's outstanding living hero of all wars, Sidney E. Manning of Flomaton, Escambia County, Alabama, Corporal Company "G" 167th Infantry, 42nd (Rainbow) Division; to make appropriations for the purpose of carrying out the provisions of this Act and to provide a Committee whose duties will be that of carrying out the provisions of this Act under such plans and regulations, which regulations shall have the force and effect of law, as may be approved by the Governor.

Also:

By Mr. McDermott (by request):

H. 1048. To authorize the State Land Commissioner with the approval of the Governor, to contract with some person or firm in each county to investigate sales of real estate for taxes and bid in for the State, to notify parties in interest of such sales, to secure redemptions, to secure sales of property subject to sale at private sale by the State; and to fix the compensation for such services, and to repeal all laws or parts of laws in conflict herewith, and to fix the time when this act shall go into effect.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 889, to the Committee on Seaports.

House Bills 1019 and 1048, to the Committee on Finance and Taxation.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the Forty-fifth Legislative

day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Forty-fifth Legislative day approved by the Senate.

ADJOURNMENT

At 5:45 P. M., on motion of Mr. Dorsey and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until tomorrow, September 4th, 1935, at ten A. M.

FORTY-SIXTH DAY

Wednesday, September 4th, 1935

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Mr. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner	Glover	Parrish	Taylor
Browder	Kelly	Riddle	Thomas
Carlton	Kuykendall	Rogers (Mobile)	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	McDowell	Swift	Woodall

—28

JOURNAL

On motion of Mr. Starnes, reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Tucker, leave of absence was granted Mr. Russell for today.

On motion of Mr. Walton, leave of absence was granted Mr. Earnest, Doorkeeper of the Senate, for today and tomorrow.

On motion of Mr. Bonner, he was granted leave of absence for the remainder of the day.

REPORTS OF COMMITTEES

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Haley:

H. 968. To provide that twenty-five percentum of all moneys paid into the State Treasury by Dentists shall be paid over to the Alabama Dental Association, to be used by The Alabama Board of Dental Examiners for prosecuting violations of the Dental Laws of Alabama and other necessary purposes.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Byars:

H. 706. To amend Section 5076 of the 1923 Code of Alabama.

By Mr. Street:

H. 505. To amend Section 1193 of the Code of Alabama of 1923, as amended by the General Acts of the Legislature of Alabama of 1931, page 542, approved July 17th, 1931.

By Mr. Kelly:

H. 149. To amend Section 10375, Chapter 351, Code of Alabama, 1923.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 430. To amend Section 8 of an Act of the Legislature approved August 27, 1935, entitled "An Act to create a State Department of Public Welfare to provide for a State Board of Public Welfare for the government thereof; to prescribe its powers and duties; to provide for the appointment of a Commissioner as Executive Officer and for the appointment of other employees, their compensation and the maintenance and other expenses of the State Department of Public Welfare; to transfer to the State Department of Public Welfare all the powers, duties, and obligations now vested in and relating to the State Child Welfare Department, except the administration of the State Child Labor Law, which may

now or hereafter be transferred to the Department of Labor in the event such department be established; to transfer to the State Department of Public Welfare all those duties having to do primarily with the determination of need and authorization of relief now performed by the Alabama Relief Administration; to empower the State Department of Public Welfare to administer all public assistance funds, Child Welfare funds, and all funds appropriated by the Legislature to the State Department of Public Welfare for the purposes for which they are appropriated; to authorize the State Department of Public Welfare to act as agent for and to cooperate with any Federal or State Agency or enactment now or hereafter provided by law for the purpose of rendering public assistance and services through any of the bureaus herein created; to authorize the State Board of Public Welfare to create such other bureaus and divisions within the purview of this Act as may be necessary for its administration and to prescribe rules and regulations governing the same; to authorize the State Board of Public Welfare to prescribe adequate standards of education, training and experience which must have been attained by persons selected for the positions to be filled in each of the bureaus and divisions of the State Department of Public Welfare and in the several county departments of public welfare; to authorize the State Board of Public Welfare to issue certificates to such persons as may meet the qualifications prescribed; to provide a mental hygiene program of non-institutional care; to authorize the State Department of Public Welfare to collect statistics and other information relative to public welfare and to make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for public assistance, family welfare, child welfare, and other welfare activities; to create county departments of public welfare and to provide for county boards of public welfare for the government thereof; to prescribe the powers and duties; to transfer to the County Boards of public welfare and the county departments of public welfare all rights, duties, powers and obligations of the present county child welfare boards; to authorize the county departments of public welfare, operating under the county boards of public welfare, to act as agents for and to cooperate with any Federal, State or County agency or enactment now or hereafter provided by law for the purpose of rendering public assistance, family welfare service and child welfare services; and to repeal all laws in conflict herewith."

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kelly (with notice and proof):

H. 1007. To authorize the Town of Ashland, Alabama, to acquire all of the assets of the Ashland Railway Company, or to acquire the capital stock, or the majority of the capital stock, thereof; to maintain and operate said railroad; to provide for an election to determine whether said town shall acquire such property and to provide for the payment thereof and the payment of maintenance and operation thereof.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kuykendall (with notice and proof):

S. 429. For the relief of the people of the Town and Community of Kennedy, in Lamar County, Alabama, composing Kennedy School District No. 1.

By Mr. Calhoun (with notice and proof):

H. 1014. To establish a Board of Revenue for Houston County, and to abolish the Court of County Commissioners; to fix the salaries of said Board, manner of payment, term of office and time of election of members thereof; to divide said county into three districts; to provide for the election of their successors in office, and the duties of the Judge of Probate with reference to said Board; To employ, discharge and fix the salary of the Road and Bridge Foreman; to provide that the Road and Bridge Foreman shall with the approval of the Board of Revenue employ and fix the compensation of agents, his assistants, overseers, workmen and laborers required for said work, and shall with the counsel, assistance and approval of said Board of Revenue purchase all necessary road material, machinery, teams, tools, supplies and equipment; to repeal all laws in conflict herewith and to fix qualifications of members of the Board of Revenue.

By Mr. Calhoun (with notice and proof):

H. 1013. To create and establish Road and Bridge Department, and Road and Bridge Foreman, for Houston County, and to abolish County Road Foreman; fix the duties, salary, manner of payment of said Foreman; fix requirement of Foreman to give bond on entering work as Foreman; provide for place for office of Road and Bridge Department and set out who shall have control over said Department; further to provide for necessary means and transportation of Foreman in carrying out his work; How Road and Bridge Foreman is employed and the duration and term of his office.

Mr. Parrish, Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Haley:

H. 906. To amend Section 325 of the Code of Alabama, as amended by the Act of 1927, entitled "An Act to amend Sections 325, 326, 329, 332, 337, 343, 344, 345, 347, 348, 349, 354, 358, and 359, Code of Alabama 1923 and to repeal Section 330, Code of Alabama 1923, relating to the practice of Dentistry and Dental Hygiene, composing Chapter 18, Volume I, of said Code." And to amend Sections 333, 334, and 335 of the Code of Alabama, and to amend Sections 337, 348 and 359 of the Code of Alabama, and to repeal Section 349 of the Code of Alabama, as amended by the Act of 1927, entitled "An Act to Amend Sections 325, 326, 329, 332, 337, 343, 344, 345, 347, 348, 349, 354, 358, and 359, Code of Alabama 1923, and to repeal Section 330, Code of Alabama 1923, relating to the practice of Dentistry and Dental Hygiene composing Chapter 18, Volume I, of said Code." And to amend Section 357 of the Code of Alabama.

Mr. Walton, Acting Chairman of the Standing Committee on Public roads and Highways, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Wallace:

H. 369. Relating to, regulating and requiring a pre-qualification and classification of bidders on Public Improvements.

Mr. Woodall, Chairman of the Standing Committee on Privileges and Elections, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. C. J. Owens (Madison Co.):

H. 841. To amend Section 540 of the Code of Alabama of 1923.
By Mr. A. D. Kirby:

H. 805. To amend Section 462 of the Code of Alabama of 1923 as amended by an Act of the Legislature of 1935, and approved by the Governor July 8, 1935.

By Mr. Waldrep:

H. 925. To require the probate judge of the county, circuit court clerk and the registrar of vital statistics of each registration district to furnish the board of registrars of their respective counties with certain information.

By Mr. Waldrep:

H. 926. To amend Section 392 of the Code of 1923, as amended by an Act approved August 20, 1927, so as to read as follows:

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Wellborn:

S. 431. To create the office of Supervisor of Roads and Bridges for Calhoun County, Alabama, and to prescribe his qualifications and duties and fix his salary and provide for method of his election and appointment.

RESOLUTION

The Rules Committee reported the following Joint Resolution:

S. J. R. 118. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again Friday, September 6th, 1935, at ten A. M.

And on motion of Mr. Riddle said report was concurred in and the Resolution adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 19. To provide that courts of record of the State of Alabama shall have the power to render declaratory judgment and to provide for practice and procedure in such cases.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Steele:

H. 948. To amend Section 2 of an Act of the Legislature of Alabama approved October 28th, 1932, entitled an Act defining contract carriers and common carriers by motor vehicle not sub-

ject the provisions of the Alabama Motor Carrier Act of 1932; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act.

Also:

By Mr. Castleberry:

H. 1039. To provide a method for filling vacancies which now exist on boards of revenue, or like bodies, in the counties of Alabama; to provide for an election or elections and the holding of same.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 948, to the Committee on Education.

H. 1039, to the Committee on Counties and County Boundaries.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 377. To prescribe and regulate the salary and compensation of the members of the Courts of County Commissioners and/or Boards of Revenue and/or other Governing Bodies in all counties of Alabama, which now have or may hereafter have a population of less than fifteen thousand, according to the last, or any subsequent Federal Census and to provide the manner of payment and to repeal all laws and parts of laws in conflict with this Act.

Also:

S. 378. To relieve all persons in Cleburne County, Alabama of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation, to work on the public roads in Cleburne County, Alabama.

Also:

S. 379. To authorize and empower the Courts of County Commissioners and/or Boards of Revenue, and/or other Governing Bodies of all counties of Alabama which now have or may hereafter have a population of less than fifteen thousand, according to the last, or any subsequent Federal census, to transfer any funds (except school monies and sinking funds) that may be received by the county, to the general fund of the county at any meeting of said Court, or Board of Revenue or Governing Body and to ratify like transfers heretofore made and to repeal all laws and parts of laws in conflict with this section.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 223. To abolish causes of action for alienation of affections, criminal conversation, seduction of any female person of the age of 21 years or over, and breach of contract to marry.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Sightler:

H. 1030. To require the tax assessors and tax collectors of the several counties in this State, having a population of not less

than 75,000 nor more than 110,000 people, according to the last or any succeeding Federal Census, in addition to assessing and collecting the ad valorem taxes due the State and said counties on motor vehicles, to collect the ad valorem taxes on motor vehicles due all cities and municipalities in such counties; to provide for reports and payments of collections by tax collectors; and to fix compensation of said assessors and collectors for the performance of their duties under this Act, which shall be in addition to compensation now received by them for assessing and collecting taxes for the State and such counties; and to repeal all laws or parts of laws, general or local in conflict with this Act.

Also:

By Mr. Tompkins:

H. 793. For the relief of K. C. Tigner, Tax Assessor of Russell County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT, ENTITLED AN ACT FOR THE RELIEF OF K. C. TIGNER, TAX ASSESSOR OF RUSSELL COUNTY, ALABAMA

Be it Enacted by the Legislature of Alabama:

Section 1. That the County Commission of Russell County or other governing body of said county is hereby directed to issue to K. C. Tigner, Tax Assessor of Russell County, a warrant upon the treasury or Depository of said county in the sum of Eleven Hundred (\$1100.00) Dollars, to be paid out of the general funds of Russell County, Alabama, in payment of the unpaid salary of a Deputy Tax Assessor, for services rendered and paid by K. C. Tigner, pursuant to an Act of the Legislature requiring the Tax Assessor of Russell County, Alabama, to employ a deputy tax assessor from the 11th day of April, 1933, to the 5th day of February, 1935, under the provision of An Act of the Legislature of Alabama, approved April 11, 1933, purporting to require the tax assessor of all counties whose boundary lines have been altered or rearranged by the addition of new territory thereto, to employ a deputy tax assessor at a salary of \$50.00 per month, but which Act was declared unconstitutional and void by a decision of the Court of Appeals of Alabama, rendered on to-wit—the 5th day of February, 1935.

Section 2. That this Act shall take effect immediately upon its passage and approval.

STATE OF ALABAMA, }
RUSSELL COUNTY. }

Before me, Regis Monte, a Notary Public in and for Russell County, Alabama, personally appeared W. H. Chadwick, who, being duly sworn, deposes and says that he is the owner, editor, and publisher of the Russell Register, a newspaper published weekly in Seale, Russell County, Alabama, which has a general circulation in Russell County, Alabama, in which paper was published for four consecutive weeks the foregoing and above notice, on dates, to-wit: May 10th, 1935, May 17th, 1935, May 24th, 1935, and May 31st, 1935.

W. H. Chadwick,
Owner, Editor, and Publisher,
of the Russell Register.

Sworn to and subscribed to before me this 11th day of June, 1935.
(SEAL)

Regis Monte,
Notary Public, Russell County, Alabama.

Also:

By Mr. Coleman:

H. 1053. To repeal an act "To allow the Sheriff of Marshall County, Alabama an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the general funds of Marshall County in monthly installments" approved July 2, 1935.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is given that at the present session of the Legislature of Alabama the following bill will be introduced in an effort to enact the same into law, to-wit:

AN ACT

To repeal an act "To allow the Sheriff of Marshall County, Alabama an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the general funds of Marshall County in monthly installments" approved July 2, 1935.

Be it Enacted by the Legislature of Alabama:

Section 1. That an act of the Legislature entitled "An Act to allow the Sheriff of Marshall County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the general funds of Marshall County in monthly installments, approved July 2, 1935," be, and the same is hereby repealed.

Section 2. This Act shall be in full force and effect, from and after the date of its approval by the Governor.

STATE OF ALABAMA, }
MARSHALL COUNTY. }

Before me, Geo. W. Baker, a Notary Public in and for said State and County, personally appeared J. J. Benford, who being first duly sworn deposes and says: That he is the owner and publisher of the Albertville Herald, a newspaper of general circulation published in said County; that the notice hereto attached was published in his said paper for four consecutive weeks on the following dates, to-wit: July the 18th, July the 25th, August the 1st, and August the 8th, 1935.

Sworn to and subscribed before me this 24th day of August, 1935.

(SEAL)

J. J. Benford,
Geo. W. Baker,
Notary Public.

Also:

By Mr. Sparks (Walker):

H. 1024. To amend an Act entitled: "An Act to authorize the Sheriff of Walker County, Alabama, to appoint two special and general deputies, fix their tenure of office, prescribe their duties, fix their compensation and to authorize and require the County Commission for Walker County, Alabama, to pay the same by warrants drawn on the Treasurer and paid out of the general funds of said County, and to require said deputies to give bonds in the sum of \$2,000.00 each, payable to said Sheriff with conditions as

required by Section 2595 of the Code of Alabama, 1923," approved _____, 1935, to provide that the County Commission of Walker County, Alabama, may at its election, after the expiration of two years from the appointment of said deputies sheriff, discontinue appropriation of County funds for the payment of their salaries.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced and its passage sought at the present session of the Legislature of Alabama, to amend an Act entitled:

AN ACT

To authorize the Sheriff of Walker County, Alabama, to appoint two special and general deputies, fix their tenure of office, prescribe their duties, fix their compensation and to authorize and require the County Commission for Walker County, Alabama, to pay the same by warrants drawn on the Treasurer and paid out of the general funds of said County, and to require said deputies to give bonds in the sum of \$2,000.00 each, payable to said Sheriff with conditions as required by Section 2595 of the Code of Alabama, 1923, approved _____, 1935, to provide that the Sheriff of Walker County be authorized and empowered to appoint two special and general deputies sheriff who shall hold office at the pleasure of the Sheriff and shall perform such services as may be required of them within the scope of their duties; to provide their compensation; and to provide that the same shall be paid by the County Commission of Walker County, Alabama, out of the general funds of said County; and to provide that said County Commission may discontinue payment of the salaries of said deputies sheriff after the expiration of two years from the date of their appointment; and to provide that said deputies sheriff shall be required to make bond for the faithful performance of their duties.

W. S. Sparks,
Member of the Legislature.

STATE OF ALABAMA, WALKER COUNTY.

Before me, the undersigned authority in and for said state and county, this day personally appeared R. W. Boteler, Assistant Manager of the Mountain Eagle, a newspaper published in Jasper, Walker County, Alabama, who, being duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Mountain Eagle for four consecutive weeks, namely, June 6, 13, 20 & 27, 1935.

R. W. Boteler,
Asst. Mgr.

Sworn to and subscribed before me this 2 day of July, 1935.

(SEAL)

Mrs. Annie Davis,
Notary Public.

Also:

By Mr. Bulger:

H. 1023. To allow the Sheriff of Tallapoosa County mileage for transporting prisoners to and from the county jail at Dadeville to the Court House in Alexander City there to stand trial at any

term of the County Court or Circuit Court of Tallapoosa County at Alexander City, and to provide for the payment of such mileage from the General Fund of Tallapoosa County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced in the Legislature of Alabama at its adjourned session, beginning July 30th, 1935, in words and figures as follows:

Be it Enacted by the Legislature of Alabama:

A BILL TO BE ENTITLED AN ACT

To allow the Sheriff of Tallapoosa County mileage for transporting prisoners to and from the county jail at Dadeville to the Court House in Alexander City there to stand trial at any term of the County Court or Circuit Court of Tallapoosa County at Alexander City, and to provide for the payment of such mileage from the General Fund of Tallapoosa County.

Be it Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Tallapoosa County shall be allowed five cents per mile each way by the usual route of travel for each prisoner transported to and from the county jail at Dadeville to the Court House in Alexander City there to stand trial at any term of County Court or Circuit Court to be held in Alexander City.

Section 2. The mileage herein provided for shall be paid from the General Fund of Tallapoosa County on warrant properly drawn after sworn statement of the Sheriff of Tallapoosa County has been duly submitted and allowed by the Commissioners Court.

C. E. Corprew.

STATE OF ALABAMA, }
TALLAPOOSA COUNTY. }

Before me the undersigned authority personally appeared Thomas S. Bugg, editor and publisher of The Dadeville Record, a weekly newspaper published at Dadeville, Tallapoosa County, Alabama, who first being duly sworn by me deposes and says that the attached notice of a local bill for Tallapoosa County was published for four consecutive issues in said paper, to-wit: July 25, 1935; August 1, 1935; August 8, 1935 and August 15, 1935.

Thos. S. Bugg,

Editor and publisher Dadeville Record.

Sworn to and subscribed before me, this the seventeenth day of August, 1935.

Roy C. Oliver,
N. P.

Also:

By Mr. Henson:

H. 1042. To make it a Misdemeanor, to pursue, catch, take or kill; or to attempt to pursue, catch, take or kill or hunt any wild animal, bird or game, by the use of or while using, any head light, or lighted device, or light of any kind, in Washington County, and to prescribe the penalty therefor.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The following bill will be introduced at this session of the Legislature of Alabama for enactment into law.

A BILL TO BE ENTITLED AN ACT

To make it a Misdemeanor to pursue, catch, take or kill, or to attempt to pursue, catch, take or kill or hunt any wild animal, bird or game, by the use of or while using, any head light, or lighted device, or light of any kind, in Washington County, and to prescribe the penalty therefor.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Any person who shall catch, take, or kill, or attempt to pursue, catch, take or kill, or who shall hunt any wild animal, bird, or game by the use of or while using any head light, or lighted device or light of any kind, in Washington County shall be guilty of a misdemeanor.

Section 2. Any person convicted of violating the provisions of Section 1 hereof shall be punished by a fine of not less than fifteen (\$15.00), nor more than One Hundred (\$100.00) for each offense, and may also be sentenced for each offense to hard labor for the county for not more than sixty (60) days.

Section 3. Provided, that any resident may pursue, catch, take, kill, or attempt to pursue, catch, take, kill or hunt any wild animal, bird or game by the use of a head light, or lighted device, or light of any kind, within the curtilage of his home, or enclosed field, or enclosed pasture, when such animal, bird or game is destroying, injuring or attempting to destroy, injure, or annoy domestic animals or poultry, or is destroying, injuring, or attempting to destroy or injure any farm, or garden crops or products.

Section 4. If any section, part of section, or subdivision of section, of this act shall be declared unconstitutional, it shall not affect the remainder of this Act not so declared unconstitutional, but each section, part of section, or subdivision of a section, or provision not so unconstitutional shall be and remain in full force and effect.

Section 5. This Act shall take effect thirty (30) days after its approval.

L. T. Henson,
Representative.

STATE OF ALABAMA, }
WASHINGTON COUNTY. }

I, Matt L. Blount, publisher of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the A Bill To Be Entitled An Act as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated July 25, 1935, and ending with the issue dated August 15, 1935. I further certify that I have the right and authority to make this affidavit.

Matt L. Blount.

Sworn to and subscribed before me on this, the 24th day of August, 1935.

E. P. Tunn
Notary Public.

Also:

By Mr. Henson:

H. 1043. To relieve all persons in Washington County, Alabama, of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such legal obligations to

work on the public roads in Washington County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced at the present session of the Legislature of Alabama for enactment into law:

AN ACT

To relieve all persons in Washington County, Alabama, of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such legal obligations to work on the public roads in Washington County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That all persons in Washington County, Alabama, shall be and are hereby relieved of any obligations to work on the public roads in said County, or to pay any money in lieu of such legal obligations to work on the public roads in Washington County, Alabama.

Section 2. That all laws, general or local, in conflict herewith be and the same are repealed.

Section 3. That this act shall take effect upon its approval by the governor.

L. T. Henson,
Representative.

STATE OF ALABAMA, }
WASHINGTON COUNTY. }

I, Matt L. Blount, publisher of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the A Bill To Be Entitled An Act as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated July 25, 1935, and ending with the issue dated August 15, 1935. I further certify that I have the right and authority to make this affidavit.

Sworn to and subscribed before me on this, the 24th day of August, 1935.
Matt L. Blount,
E. P. Tunn,
Notary Public.

Also:

By Mr. Hendley:

H. 1051. To relieve all persons in Covington County, Alabama, of any legal obligation to work on the public roads in said County, or pay any money in lieu of such obligation to work on the public roads in Covington County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that a bill will be introduced in the 1935 session of the legislature providing that all people of Covington county subject to

road duty will be exempted from same, said act to become effective March 1, 1936.

Aug. 8, 15, 22.

STATE OF ALABAMA, }
COVINGTON COUNTY. }

Before me, the undersigned, personally appeared W. H. Jones, known to me to be the publisher of The Covington News, a weekly newspaper published at Andalusia, with general circulation throughout the county, who being by me first duly sworn, deposes and says: That the attached notice was published in the regular issue of said The Covington News, for three consecutive issues, being the issue of August 8, 15 and 22, 1935.

W. H. Jones,
Publisher The Covington News.

Sworn to and subscribed before me this August 24, 1935.

Annie R. Bronson,
Notary Public.

(Seal)

Also:

By Mr. Tompkins:

H. 794. For the relief of George G. Wallace, Jr., Tax Collector of Russell County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

ENTITLED AN ACT FOR THE RELIEF OF GEORGE G. WALLACE, JR., TAX COLLECTOR OF RUSSELL COUNTY, ALABAMA.

Be it Enacted by the Legislature of Alabama:

Section 1. That the County Commission or other governing body of Russell County, Alabama, is hereby directed to issue to George G. Wallace, Jr., Tax Collector of Russell County, Alabama, a warrant drawn upon the County Treasury or Depository of said County in the sum of Eleven Hundred (\$1100.00) Dollars, to be paid out of the general funds of said county, in payment of the unpaid salary of a Deputy Tax Collector, for services rendered and paid by George G. Wallace, Jr., pursuant to an Act of the Legislature requiring the Tax Collector of Russell County, Alabama, to employ a Deputy Tax Collector from the 11th day of April, 1933, to the 5th day of February, 1935, under the provisions of An Act of the Legislature of Alabama purporting to require the Tax Collector of all counties whose boundary lines have been altered or rearranged by the addition of new territory, to employ a deputy Tax Collector at a salary of \$50.00 per month, but which Act was declared unconstitutional and void by a decision of the Court of Appeals of Alabama, rendered on to-wit the 5th day of February, 1935.

Section 2. This Act shall take effect immediately upon its passage and approval.

STATE OF ALABAMA, }
RUSSELL COUNTY. }

Before me, Regis Monte, a Notary Public, in and for Russell County, Alabama, personally appeared W. H. Chadwick, who, being duly sworn, deposes and says that he is the owner, editor, and publisher of the Russell Register, a newspaper published weekly in Seale, Russell County, Alabama, which has a general circulation in Russell County, Alabama, in which paper was published for four consecutive weeks the foregoing and above notice,

on dates, to-wit: May 10th, 1935, May 17th, 1935, May 24th, 1935, and May 31st, 1935.

W. H. Chadwick,
Owner, Editor and Publisher,
of the Russell Register.

Sworn to and subscribed to before me this 11th day of June, 1935.
(SEAL)

Regis Monte,
Notary Public, Russell County, Alabama.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

House Bills 1030, 793, 1053, 1024, 1023, 1042, 1043, 1051 and 794, to the Committee on Local Legislation.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Mooneyham, further consideration of the bill:

S. 329. To provide for an Assistant Solicitor in any and all Judicial Circuits of this State composed of one County only, which has a population of not less than 70,000 inhabitants and not more than 98,000 inhabitants according to the last Federal Census or any subsequent Federal Census; To prescribe the duties of such Assistant Solicitor; To fix his term of office, and to provide compensation for said services.

Was indefinitely postponed by the Senate.

On motion of Mr. Rogers of Mobile, further consideration of the bill:

H. 846. To provide for the appointment of an additional Assistant Solicitor to be known as the Second Assistant Solicitor of the Thirteenth Judicial Circuit of Alabama (Mobile County), to fix the term of said office, to prescribe the duties and authority of said additional Assistant Solicitor, to be known as the Second Assistant Solicitor and to fix his compensation, and to provide how said compensation shall be paid, and to provide that said salary shall be a preferred claim against the County.

Was indefinitely postponed by the Senate.

On motion of Mr. Woodall, further consideration of the bill:

S. 300. To amend Section 5826 as amended by Acts of 1931 at page 831.

Was indefinitely postponed by the Senate.

On motion of Mr. Riddle, further consideration of the bill:

S. 371. To create and provide for and regulate a Department of Labor in the State of Alabama; to prescribe its authority and jurisdiction, and provide for a commissioner of labor and fix his salary and define his duties.

Was indefinitely postponed by the Senate.

On motion of Mr. Kelly, further consideration of the bill:

S. 370. To amend Section 1154 of the Code of 1923, relating to Public Health.

Was indefinitely postponed by the Senate.

BILLS ON THIRD READING

The bill:

H. 866. To relieve all persons of any legal obligations to work on public roads in Tallapoosa County, Alabama, or pay any money in lieu of such legal obligations, to work on the public roads in Tallapoosa County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Swift
Browder	Kelly	Riddle	Thomas
Carlton	Kuykendall	Rogers (Mobile)	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Wellborn
Dorsey	Mooneyham	Stephens	Woodall
Fletcher	McDowell		

—26

Nays:—None.

The bill:

H. 581. To repeal an act entitled "An Act to authorize the trustee in and for the Sixteenth Section in Township 17 South, Range 5 West of Huntsville Meridian in Jefferson County, Alabama, to sell said Sixteenth Section and to accept in payment therefor other or different land of equal monetary value, in said Township: provided, first, the sale negotiated by said trustee is confirmed by the Circuit Court of Jefferson County, Alabama, in Equity, after said court has ascertained the substantial equality of the respective monetary values of each tract; and provided further, that the existing lessee of said Sixteenth Section consent in writing to surrender all their rights, title and interests as lessees or otherwise in and to said Sixteenth Section, or consents to take in substitution for their existing rights as lessees a lease to such other or different land, in said Township; and to substitute as the corpus of the trust estate under said trustee, such other or different land as is acquired by said trustee in exchange for said Sixteenth Section." Approved August 12, 1927.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 1000. To authorize and direct the Board of Revenue of Tuscaloosa County, Alabama, to pay for advertising the notice and substance of local bills, to be introduced in the Legislature for said County, out of any money in the Treasury of Tuscaloosa County not otherwise appropriated, when the bill applies to the entire county and the notice is signed by all the Tuscaloosa County Representatives and also by the State Senator from the Eleventh Senatorial District, and this act shall apply to and include the notice and substance of Bills advertised prior to and during the present session of the Legislature.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 1034. To authorize and provide for the payment of the sum of Seventy-seven Dollars (\$77.00) for the relief of Eddie McCrory of Greenville, Alabama, who was injured on the 15th day of November, 1934 while acting in his line of duty as a deputy sheriff of Butler County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Dorsey	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 883. To amend Sections 1 and 2 of an act approved July 17, 1931, entitled an act.

To provide and require that the Sheriff of Tallapoosa County, Alabama, shall appoint and maintain a regular Deputy Sheriff at each of the following places in said county, to-wit: Dadeville, Alexander City and Tallassee. To prescribe the duties of such deputies and to provide for their compensation and the payment thereof by said county, and to fix the amount of such compensation.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Dorsey	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 969. To require fifteen percent of the total funds received by Cherokee County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels, to be used for the purpose of paying interest on and establishing a sinking fund for the retirement of the \$95,000.00 in bonds of said county, issued for the purpose of constructing public roads in said county, authorized by an election held on April 2, 1923, requiring the county treasurer of said county to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof, with said funds, providing that on final payment and retirement of said bonds, all such fund received by said county from the said gasoline taxes, or taxes on other motor fuels, shall be used as provided by

the general laws of Alabama; and providing the time when this Act shall take effect.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 970. To relieve the Tax Assessor of Cherokee County from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order, according to beats, the original assessment lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 988. To relieve all persons in Bibb County, Alabama, of and from any and all legal obligation to work on the public roads in Bibb County, Alabama and to prohibit the levying and collection of a per capita road tax in Bibb County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Mooneyham	Simpson
Browder	Kelly	McDowell	Starnes
Chesnut	Kuykendall	Parrish	Stephens
Cook	Locke	Riddle	Swift
Dorsey	Mixon	Rogers (Mobile)	Taylor

Thomas	Walden	Wellborn	Woodall	
Tucker	Walton			—26

Nays:—None.

The bill:

H. 982. For the Relief of F. W. McLane, of Talladega County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Simpson	Tucker
Cook	Mixon	Starnes	Walden
Dorsey	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 978. To provide for the appointment of an Assistant to the Deputy Clerk in charge of the Criminal Division of the Circuit Court of Mobile County. To prescribe the duties and fix the compensation and salary of such Assistant Clerk.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers (Mobile)	Thomas
Chesnut	Locke	Simpson	Tucker
Cook	Mixon	Starnes	Walden
Dorsey	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 974. To provide for the appointment of a Special Court Reporter for the Taking Down and Transcribing of Testimony taken ore tenus in Equity Cases in the Circuit Court in Judicial Circuits in the State of Alabama which do not include more Counties than one, and when that County has a Population of 300,000 or more, according to the last or any future Federal Census; to Provide for his Tenure of Office, his Duties, and his Compensation; and to Further Provide for the Cost of his Services to be Taxed as a Part of the Costs of Court, and when Collected to be Paid by the Register in Chancery to such Special Court Reporter.

Was read a third time at length and passed.
Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 942. To provide for and authorize the closing of the county offices in court houses at twelve o'clock (noon), one day during each week, in counties having a population of not less than sixty thousand (60,000), nor more than sixty five thousand (65,000), according to the last Federal census; and to authorize the boards of revenue, or like governing bodies, of such counties to designate and determine the day during each week when such offices may be closed.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Dorsey	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 950. To amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 2377 of the Code of Alabama of 1923,' approved July 22, 1931," approved March 15, 1933.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 496. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Thomas
Browder	Kuykendall	Riddle	Tucker
Chesnut	Locke	Rogers (Mobile)	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	McDowell	Swift	Woodall

—24

Nays:—None.

The bill:

S. 427. To continue the investigation of water resources of the State and to authorize the State Geologist to enter into contracts with the United States Government, or departments thereof, for cooperative action in collecting and publishing information and to make an appropriation therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Swift
Browder	Kuykendall	Riddle	Thomas
Chesnut	Locke	Rogers (Mobile)	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Stephens	Woodall
Fletcher	McDowell		

—22

Nays:—None.

The bill:

H. 331. A bill to be entitled an act "To submit to the qualified voters of this state, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, for their consideration an amendment to the constitution of the state empowering the Legislature to authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions

of the constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing at the time of the ratification of such amendment to the Constitution: Providing for the adoption of an annual budget for Mobile County; providing that the expenses of such county for any fiscal year shall not exceed the Revenues of the county for that year, and providing that all debts contracted or liabilities incurred by the said County in excess of such revenues shall be void; providing that the governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such county for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the county for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the county subsequently collected for that year, and that any loan so made and not paid out of the general revenues of the county pledged to secure the same shall be void as to any amount remaining unpaid; providing that the Legislature shall not, after the adoption of such amendment, pass any law making any claim a preferred claim against said county, and annulling as to any future claim all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said county: And providing penalties for the violation of any of the provisions of such amendment."

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely: "The Legislature of Alabama may authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00 which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing at the time of the ratification of this amendment to the Constitution. In September 1936, after the adoption of this amendment to the Constitution, the governing body and the County Treasurer of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of the county for the preceding year and said budget must cover current expenses for the year for which the budget is adopted for the fiscal year beginning October 1st, 1936, and the expenses of such fiscal year shall not

exceed the revenues of the county for that year. Thereafter, and in September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of said county for the preceding year, for the succeeding fiscal year beginning October 1st, and the expenses of such county for any such fiscal year shall not exceed the Budget of the county for that year. All debts contracted or liabilities incurred by the said County in excess of such Budget shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five (25%) percent of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the County subsequently collected for that year, and any loan so made and not paid out of the general revenues of the County pledged to secure the same shall be void as to any amount remaining unpaid. The legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said County, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County, are hereby annulled as to any future claim. The words 'governing body of Mobile County' as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the Board of Revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this amendment shall, upon conviction, be punished by a fine not exceeding \$5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each County in the State at least four successive weeks next preceding the date of the election hereinafter fixed of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the official ballot printed for such election shall be printed the following, namely, "Shall the following be

adopted as an Amendment to the Constitution of Alabama." "The Legislature of Alabama may authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for payinug valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing at the time of the ratification of this amendment to the Constitution. In September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of the preceding year for the succeeding fiscal year beginning October 1st and the expenses of such County for any such fiscal year shall not exceed the revenues of the County for that year. All debts contracted or liabilities incurred by the said County in excess of such revenues shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the County subsequently collected for that year, and any loan so made and not paid out of the general revenues of the County pledges to secure the same shall be void as to any amount remaining unpaid. The Legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said County, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County, are hereby annulled as to any future claim. The words "governing body of Mobile County" as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the Board of Revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this amendment shall, upon conviction, be punished by a fine not exceeding \$5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment." Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the voter

shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers for said election shall open the polls for a vote of the qualified electors of the State upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast there at shall be canvassed, tabulated and the returns thereof be made to the Secretary of State, and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Was taken up.

Mr. Rogers of Mobile offered the following amendment to said bill to-wit:

Amend House Bill 331 by striking from the caption thereof the following words:

"Existing at the time of the ratification of such amendment to the Constitution" and inserting in lieu thereof the following: "Existing on September 30th, 1936."

Amend House bill 331 further by striking from Section one thereof the following:

"Existing at the time of the ratification of this amendment to the Constitution," and inserting in lieu thereof the following: "Existing on September 30th, 1936."

Amend the bill further by striking from section three thereof the following:

"Existing at the time of the ratification of this amendment to the Constitution," and inserting in lieu thereof the following: "Existing on September 30th, 1936."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Dorsey	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Swift
Browder	Kuykendall	Riddle	Tucker
Carlton	Locke	Rogers (Mobile)	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Wellborn
Fletcher	McDowell	Stephens	Woodall

—24

Nays:—None.

The bill:

H. 973. To provide that all Cities in Alabama that now have, or may hereafter have a population of as much as 15,000 and less than 24,000, according to the last Federal Census, or any such census, which may hereafter be taken, shall be known and designated as "Class "D" Cities"; to provide and create a Commission Form of Municipal Government and to establish the same in all Class "D" Cities of Alabama as herein defined; to provide for a City Manager of said Cities, his authority, duties, liability and penalties, term of office and compensaiton; to abolish the offices of Mayor and aldermen or commissioners, as the case may be, and otherwise provide for the creation and maintenance of said Commission Form of Government and the City Manager form of Government; to provide for the selections and elections of a Chairman and two (2) associate Commissioners in lieu of Mayor and aldermen or commissioners, as the case may be; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act; to provide for the adoption of the Commission Form of Government, with City Manager Government, under the provisions of this Act by an election, of the qualified electors of such City, the manner, method and provisions for the conduct of said elections; canvass of returns and proclamation by the Mayor or other governing authority of said City; To fix the duties, powers and compensation of the Board of Commissioners.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to said bill to-wit:

Amend House Bill No. 973 by striking from the title and the body thereof wherever the same occurs the figures "24,000" and substituting in lieu thereof the figures, "17,500".

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Dorsey	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26 ; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Dorsey	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

S. 410. To more effectively provide for the supervision, inspection and regulation by Alabama Public Service Commission, in the public interest, of transportation companies, and of their rates, fares and charges, service, facilities, practices, rules and regulations and to provide for the payment of supervision and inspection fees by such transportation companies.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20 ; Nays, 0.

Yeas:

Messrs.:

Browder	Glover	Parrish	Tucker
Chesnut	Kuykendall	Rogers (Mobile)	Walden
Cook	Mixon	Stephens	Walton
Dorsey	Mooneyham	Swift	Wellborn
Fletcher	McDowell	Thomas	Woodall

—20

Nays:—None.

UNFINISHED BUSINESS

The Senate proceeded to consider the unfinished business of the last Legislative Day, which was the bill:

H. 191. To better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to

that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that all temporary loans procured for enabling counties to meet their current obligations shall mature during the fiscal year in which they are made and shall be payable out of income for such year; to provide that this act shall be effective on and after the first day of October, 1935; and to repeal all laws, except local laws, in conflict with the Act. Provided the Act shall not apply to counties having more than 95,000 and less than 300,000 population.

As amended by the amendment set out in the Journal of yesterday.

Mr. Simpson offered the further amendment to so said bill to-wit:

To amend the title thereof by striking therefrom the words "and less than 300,000."

And amending Section 21 thereof by striking therefrom the words: "and less than 300,000."

Which was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Browder	Glover	Riddle	Thomas
Carlton	Kuykendall	Rogers (Mobile)	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Stephens	Walton
Dorsey	Mooneyham	Swift	Woodall
Fletcher	McDowell		

—22

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 19; Nays, 2.

Yeas:

Messrs.:

Carlton	Cook	Fletcher	Locke
Chesnut	Dorsey	Kuykendall	Mixon

Mooneyham	Riddle	Swift	Walden
McDowell	Rogers (Mobile)	Thomas	Walton
Parrish	Simpson	Tucker	

—19

Nays: Messrs. Stephens and Woodall

—2

The bill:

S. 415. To authorize each of the County Boards of Education in the State to make an allowance to the County Superintendent of Education for traveling, and to declare legal such expenditures heretofore made.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 7.

Yeas:

Messrs.:

Bonner	Fletcher	Mooneyham	Stephens
Browder	Glover	McDowell	Swift
Carlton	Kelly	Parrish	Thomas
Chesnut	Kuykendall	Riddle	Tucker
Cook	Mixon	Rogers (Mobile)	Walton

—20

Nays:

Messrs.:

Dorsey	Simpson	Walden	Woodall
Locke	Starnes	Wellborn	

—7

The bill:

S. 369. To provide for the registration of original marriage licenses with the bureau of Vital Statistics of the State Board of Health and license fees therefor and to provide for the issuance of certified copies thereof.

Was taken up.

The Standing Committee on Public Health reported the following amendment to said bill to-wit:

Amend Section 1 of S. B. 369 by striking therefrom the last paragraph of said Section 1.

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Thomas
Carlton	Locke	Rogers (Mobile)	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Wellborn
Glover	Parrish	Swift	Woodall
Kelly			

—25

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 3.

Yeas:

Messrs.:

Bonner	Glover	Mooneyham	Stephens
Browder	Kelly	McDowell	Thomas
Carlton	Kuykendall	Parrish	Tucker
Chesnut	Locke	Rogers (Mobile)	Walden
Cook	Mixon	Starnes	Woodall
Dorsey			

—21

Nays: Messrs. Simpson, Walton and Wellborn

—3

The bill:

S. 80. To amend Section 4188 of the Code of Alabama of 1923, as amended by an act entitled "An act to amend Section 4188 of Code of Alabama 1923 providing open season on Game Birds and providing penalties for violation of same" approved March 9, 1931.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Thomas
Browder	Kuykendall	Rogers (Mobile)	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Glover	McDowell	Swift	

—23

Nays:—None.

The bill:

S. 231. To amend an Act entitled "An Act to amend 10361 of the Code of Alabama of 1923," Approved July 28, 1927.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Taylor
Browder	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Dorsey	Mooneyham	Stephens	Walton
Glover	McDowell	Swift	Wellborn

—24

Nays:—None.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 223. To abolish causes of action for alienation of affections, criminal conversation, seduction of any female person of the age of 21 years or over, and breach of contract to marry.

S. 377. To prescribe and regulate the salary and compensation of the members of the Courts of County Commissioners and/or Boards of Revenue and/or other Governing Bodies in all counties of Alabama, which now have or may hereafter have a population of less than fifteen thousand, according to the last, or any subsequent Federal Census and to provide the manner of payment and to repeal all laws and parts of laws in conflict with this Act.

S. 378. To relieve all persons in Cleburne County, Alabama of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation, to work on the public roads in Cleburne County, Alabama.

S. 379. To authorize and empower the Courts of County Commissioners and/or Boards of Revenue, and/or other Governing Bodies of all counties of Alabama which now have or may hereafter have a population of less than fifteen thousand, according to the last, or any subsequent Federal census, to transfer any funds (except school monies and sinking funds) that may be received by the county, to the general fund of the county at any meeting of said Court, or Board of Revenue or Governing Body and to ratify like transfers heretofore made and to repeal all laws and parts of laws in conflict with this section.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

BILLS ON THIRD READING RESUMED

The bill:

S. 426. To validate certain leases made to the State of Alabama in Baldwin and other counties, for the purpose of Geological Sur-

veys and the development of the salt, oil, gas and other mineral resources of such lands and to authorize the Governor to transfer such leases.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	McDowell	Thomas
Browder	Kuykendall	Parrish	Tucker
Carlton	Locke	Rogers (Mobile)	Walden
Chesnut	Mixon	Starnes	Walton
Dorsey	Mooneyham	Swift	Wellborn
Glover			

—21

Nays:—None.

The bill:

S. 338. To amend an Act entitled, "An Act to amend Section 4659 Code of Alabama 1923 (Approved April 20, 1933)".

Was taken up.

Mr. Swift offered the following amendment to said bill to-wit:

Amend Senate Bill 338 by striking the words and figures 25.00 wherever same appear and insert in lieu thereof the words and figures ten dollars.

Mr. Walton moved to lay said amendment on the table, which motion was lost.

Yeas, 10; Nays, 12.

Yeas:

Messrs.:

Bonner	Cook	Mooneyham	Thomas
Browder	Glover	Riddle	Walton
Chesnut	Mixon		

—10

Nays:

Messrs.:

Carlton	McDowell	Starnes	Walden
Dorsey	Rogers (Mobile)	Swift	Wellborn
Locke	Simpson	Tucker	Woodall

—12

And the amendment offered by Mr. Swift was then adopted.

Yeas, 12; Nays, 10.

Yeas:

Messrs.:

Carlton	McDowell	Starnes	Walden
Dorsey	Rogers (Mobile)	Swift	Wellborn
Locke	Simpson	Tucker	Woodall

—12

Nays:

Messrs.:

Bonner	Cook	Mixon	Thomas	
Browder	Glover	Mooneyham	Walton	
Chesnut	Kuykendall			—10

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 15; Nays, 9.

Yeas:

Messrs.:

Carlton	Locke	Starnes	Walden	
Dorsey	McDowell	Swift	Wellborn	
Glover	Rogers (Mobile)	Thomas	Woodall	
Kuykendall	Simpson	Tucker		—15

Nays:

Messrs.:

Bonner	Cook	Mixon	Riddle	
Browder	Kelly	Mooneyham	Walton	
Chesnut				—9

The bill:

S. 337. To amend Section 4626 of the Code of Alabama of 1923.

Was taken up.

Mr. Swift offered the following amendment to said bill to-wit:

Amend S. B. 337 by inserting in lieu of the words and figures "twenty five dollars" wherever the same appear in the bill the words and figures "ten dollars".

Which was adopted.

Yeas, 14; Nays, 9.

Yeas:

Messrs.:

Carlton	McDowell	Swift	Walden	
Dorsey	Rogers (Mobile)	Thomas	Wellborn	
Kuykendall	Simpson	Tucker	Woodall	
Locke	Starnes			—14

Nays:

Messrs.:

Browder	Kelly	Mooneyham	Stephens	
Chesnut	Mixon	Riddle	Walton	
Cook				—9

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 14; Nays, 8.

Yeas:

Messrs.:

Carlton

Dorsey

Kuykendall

Locke

McDowell

Rogers (Mobile)

Simpson

Starnes

Swift

Thomas

Tucker

Walden

Wellborn

Woodall

—14

Nays:

Messrs.:

Chesnut

Cook

Kelly

Mixon

Mooneyham

Riddle

Stephens

Walton

—8

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and, as amended, has adopted the following Senate Joint Resolution:

S. J. R. 116. Relative to the two Houses adjourning sine die on the 49th legislative day.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Riddle, the Senate concurred in the following amendment by the House to S. J. R. 116, the title of which is set out in the foregoing Message from the House to-wit:

BE IT RESOLVED by the House of Representatives, the Senate concurring, that when the two Houses adjourn on the forty-ninth Legislative day, they stand adjourned sine die.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Hanks:

H. 1004. To relieve W. F. Nichols of any and all liability for and on account of loss sustained in the account of the State Demonstration Farm, Sylacauga, Alabama, of money deposited in the First National Bank of Sylacauga, Alabama, when it failed.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced in the present session of the legislature to relieve W. F. Nichols of any and all liability whatsoever for and on account of funds held by him as the agent of the State Demonstration Farm at Sylacauga and being on deposit in the First National Bank of Sylacauga when said bank failed. The amount after deducting dividends heretofore paid being \$186.16.

THE STATE OF ALABAMA, }
TALLADEGA COUNTY. }

Personally appeared before me, a Notary Public in and for said County, Tom R. Williams who being duly sworn according to law, deposes and says that he is the Manager of the Talladega Daily Home a newspaper published in said County, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for 4 weeks consecutively, to-wit, in the issues hereof dated as follows: July 29, 1935, August 5, 1935, August 12, 1935, August 19, 1935.

Subscribed and sworn to before me this 19 day of August 1935.

Tom R. Williams.

Otis R. Burton,

Notary.

Printer's Fee \$3.20 Pd.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 1004 to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 431. To require all county officials of Henry County, Alabama, to pay the premiums on their official bonds and to make it unlawful to make the premiums of such official bonds a charge against the County and payable out of the County Treasury.

Also:

H. 506. To amend Section 9257 of the Code of Alabama of 1923, regarding printing and publication of legal advertisements.

Also:

H. 595. To authorize and empower the County Board of Education, or other like body by whatsoever name it may be called, in all counties in this State having a population according to the last or any subsequent federal census in excess of 300,000 to employ from time to time a certified public accountant to audit the books of said body, and the books of the County Treasurer of School Funds or other custodian of school funds, and to pay for the services of such accountant out of public school funds, and to repeal all laws and parts of laws in conflict herewith.

Also:

H. 249. To make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State,

for the interest on the public debt, and for the public schools.

Also:

H. 725. To amend Sections 2, 4, 9, 10, 11, 17 and 18 of an Act of the Legislature approved September 10th, 1919 entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said Court, the Judge, the Clerk and other Officers thereof; to provide for a place of holding said Court, terms and salaries of said Judge and Officers of said Court, the manner of their appointment and election and the payment of their salaries." (Local Acts 1919, p. 121) as amended by an Act of the Legislature approved February 9th, 1923, entitled "An Act to amend an Act entitled 'an Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place of holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919; and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority; and to provide for the creation of an ex officio judge of said court, and to define his duties." (Local Acts 1923, p. 16) as amended by an Act of the Legislature approved September 19, 1923, entitled "An Act to amend Section 10 of an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and powers of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said Judge and officers of said court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex officio judge of said court, and to define his duties." (Local Acts 1923 p. 215) as amended by an Act of the Legislature approved July 21, 1931, entitled "An Act to amend an Act approved September 10th, 1919, entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said Court, the Judge, the Clerk and other officers thereof; to provide for a place of holding said Court, terms and salaries of said Judge and officers of said Court, the manner of their appointment and election and the payment of their salaries.' (Local Acts 1919 page 121). And to Amend an Act of the Legislature approved February 9th, 1923, entitled 'An Act to amend an Act entitled 'An Act to establish an Inferior Criminal

Court for Jefferson County, Alabama, to define the jurisdiction and power of said Court; a judge, a clerk, and other officers thereof; to provide a place for holding said Court, the terms and salary of said Judge and officers of said Court, the manner of their appointment and election, the payment of their salaries,' approved September 10th, 1919, and to provide for the increase of the salary of the Judge and other officers of said Court, and to amend the provisions as to the Judges, Officers and Employees of said Court, their number, appointment and authority, and to provide for the creation of an ex officio judge of said court, and to define his duties.' (Local Acts 1923, p. 16). And to repeal an Act approved September 24th, 1923 entitled "An Act to create the office of first assistant clerk and ex officio judge of the Jefferson County Court of Misdemeanors; to define his duties, compensation and authority, to provide for his appointment and compensation, the equipment and location of his office and for the repeal of all laws in conflict with the provisions of this Act.' (Local Acts 1923, page 231). And to repeal an Act approved August 25th, 1927, entitled 'An Act to further amend an Act entitled 'An Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and power of said Court, the Judge, Clerk and other officers thereof; to provide for the place of holding said Court, terms and salaries of said Judge and Officers of said Court, the manner of their appointment and election, and the payment of their salaries,' approved September 10th, 1919, and the Act amending said Act approved February 9th, 1923, and to provide for the increase of the salary of the Judge and other Officers and Employees of said Court, and to amend the provisions as to the Judge, Officers and Employees of said Court, their number, appointment, authority and to provide for the creation and manner of appointment, duties and salary of an additional Judge of said Court, to be known as Supernumerary Judge.' (Local Acts 1927, page 260)," (Local Acts 1931, p. 250); to provide for the terms, qualifications, method of appointment, and salaries of temporary Judges of said Court; to provide a clerk for said Court, his duties, qualifications, method and condition of appointment, and compensation; to provide deputy clerks for said Court, their duties, method and condition of appointment, and compensation; to abolish the office of marshal of said Court and transfer the functions of said office to the office of the sheriff of said county; to provide a solicitor for said Court, his duties, qualifications, method and condition of appointment, and compensation.

Also:

H. 782. To require officers and employees of counties, cities and towns in Alabama to present itemized statements of expenses incurred while traveling and/or remaining beyond the limits of counties and municipalities while engaged in business incidental to

the management or control of the affairs of the counties and municipalities and to prohibit the allowance and payment of such expenses unless itemized and approved; and to provide penalties for the violation of this Act.

Also:

H. 787. To abolish the First Division of the Municipal Court of Birmingham upon the establishment of the Intermediate Civil Court of Birmingham and to provide for the transfer and disposition of the pending causes and judgments of the said First Division of the Municipal Court of Birmingham.

Also:

H. 788. To establish an inferior court of record to be called the Intermediate Civil Court of Birmingham; to define the jurisdiction and powers of said court and the officers thereof; to provide for the election or appointment of the judge, clerk and other officers of said court; to fix the terms or tenures of office of the officers of said court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said court and fix the method of service of all processes therefrom; to create and designate the officials to serve processes issued by said court and provide compensation therefor; to designate the officers of said court and define their duties and the duties of other officials with respect to said court; and to provide for appeals from said court and regulate the manner of taking same.

Also:

H. 810. To amend Sections 2, 5 and 8 and to make more certain the repeal of Section 9½ of an Act entitled "An Act to better provide for holding the Circuit Court of the Tenth Judicial Circuit at Bessemer, in and for the following portions of Jefferson County, to-wit: Williams Precinct No. 1, Jonesboro Precinct No. 2, Parsons Precinct No. 3, Aarons Precinct No. 4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7, Meeks Precinct No. 24, Toadvine Precinct No. 27, Bessemer Precinct No. 33, Gwins Precinct No. 35, Hueys Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53 and Brighton Precinct No. 55, to define the jurisdiction thereof, to provide for organizing and empaneling grand juries therefor and define the jurisdiction of said grand juries, to regulating the holding of said court at said place, and otherwise provide therefor", approved August 18th, 1919, said amendment operating to rearrange the territorial boundary lines of the jurisdiction of said court so held at Bessemer, and defining the boundary lines thereof by metes and bounds in stead of precincts, and making more certain the elimination of Section 9½ therefrom.

Also:

H. 868. To provide that all cities in this State having a population of not less than 24,000 and not more than 40,000 according to the last or any future Federal census may levy a license tax of not exceeding TWO CENTS per gallon on all gasoline or other motor fuel sold in such city.

Also:

H. 886. To authorize and provide a fund to be known as the "State Surety Insurance Fund" to be carried in the State Treasury for the purpose of insuring the State, counties and municipalities of the State of Alabama against loss from defalcation, misappropriation or other improper disposition of State, county or municipal funds; to establish a basis for the assessment and collection of the premiums from the State, counties, municipalities and individuals to be paid into the State Treasury, and to provide for a sinking fund with which to reimburse the State, counties and municipalities for any loss occasioned from the defalcation, misuse or misappropriation of State, county or municipal funds and to transfer from the State Insurance Fund, as it now exists, \$100,000.00 to the State Surety Insurance Fund as an emergency fund to be used only in case the losses sustained shall be in excess of premiums collected; and to authorize the State Board of Administration to administer said fund and to promulgate rules and regulations necessary for the proper administration of this Act; to provide for suit on such bonds and for the payment therein; and to provide for the execution of such bonds by the State Comptroller.

Also:

H. 876. To further provide for freeing Alabama highways of all toll bridges through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation.

Also:

H. 896. To adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such act and to make an appropriation therefor.

Also:

H. 541. To limit the power and authority of the Board of Revenue, or other like governing body, of Lawrence County, Alabama, to incur obligations and to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes for that particular year; to provide that no warrants or orders for money shall be issued under

the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of the county, that such record be kept up-to-date and open to inspection by the taxpayers; to provide for refunding all outstanding warrants and debts and to pledge the general and special funds for their payment; to provide that violations of this act be punishable by removal from office and fines not exceeding \$1,000.00, and imprisonment not exceeding one year or both for each offense.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The bill:

S. 428. To appropriate the sum of three hundred dollars (\$300.00) for the casting into bronze of six plaster plaques of Alabama historical characters.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; Nays, 2.

Yeas:

Messrs.:

Browder	Glover	Mooneyham	Walden
Carlton	Kelly	Rogers (Mobile)	Walton
Chesnut	Kuykendall	Starnes	Wellborn
Cook	Locke	Tucker	Woodall
Dorsey	Mixon		

—18

Nays: Messrs. Stephens and Thomas

—2

The bill:

S. 419. To amend Section 12 of Article 1 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Carlton	Dorsey	Locke	McDowell
Chesnut	Glover	Mixon	Riddle
Cook	Kuykendall	Mooneyham	Rogers (Mobile)

Simpson
Starnes
Stephens

Swift
Thomas
Tucker

Walden
Walton

Wellborn
Woodall

—22

Nays:—None.

The bill:

H. 871. To create a board to be known as the "State Board of Adjustment"; to name its personnel, to define its duties and powers, and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amend H. B. 871 by striking therefrom wherever it appears therein the words: "Secretary of State" and insert in lieu thereof the words: "Chairman of the State Board of Administration."

Which was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Cook

Dorsey

Fletcher

Glover

Kuykendall

Locke

Mixon

McDowell

Rogers (Mobile)

Simpson

Starnes

Stephens

Swift

Thomas

Tucker

Walden

Walton

Wellborn

Woodall

—22

Nays:—None.

Mr. Dorsey offered the following amendment to said bill to-wit:

Amend Section 1 of H. B. 871 by striking therefrom the following words: "any one of the Judges of the Court of Appeals of Alabama (such Judge to be designated from time to time by the majority vote of the Judges of said Court of Appeals of Alabama); such Judge to act as Chairman" and insert in lieu thereof the following "the attorney general of Alabama, who shall act as Chairman."

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Cook

Dorsey

Fletcher

Glover

Kelly

Kuykendall

Locke

Mixon

Mooneyham

McDowell

Rogers (Mobile)

Simpson

Starnes

Stephens

Swift

Thomas

Tucker

Walden

Walton

Wellborn

Woodall

—24

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Riddle	Thomas
Carlton	Kuykendall	Rogers (Mobile)	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	McDowell	Swift	Woodall
Glover			

—25

Nays:—None.

The bill:

H. 625. To make an appropriation for the support, maintenance and improvement of the Alabama Vocational School for Girls.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Browder	Glover	McDowell	Thomas
Carlton	Kelly	Rogers (Mobile)	Tucker
Chesnut	Kuykendall	Simpson	Walden
Cook	Locke	Starnes	Walton
Dorsey	Mixon	Stephens	Wellborn
Fletcher	Mooneyham	Swift	Woodall

—24

Nays:—None.

The bill:

H. 937. To amend Schedule 155.4 of Section 348 of Article 13 Chapter 3 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10th, 1935.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Carlton	Kelly	Rogers (Mobile)	Tucker
Chesnut	Kuykendall	Starnes	Walden
Cook	Locke	Stephens	Walton
Dorsey	Mixon	Swift	Wellborn
Fletcher	Mooneyham	Thomas	Woodall
Glover			

—21

Nays:—None.

RECESS

At 12:50 P. M., on motion of Mr. Walton, the Senate took a recess until 2:55 this afternoon.

FORTY-SIXTH DAY—AFTERNOON SESSION

Wednesday, September 4th, 1935

The Senate re-assembled at 2:55 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Browder	Kelly	Riddle	Thomas
Carlton	Kuykendall	Rogers (Mobile)	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	McDowell	Swift	Woodall
Glover	Parrish		

—26

REPORTS OF COMMITTEES

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDermott, (by request):

H. 1048. To authorize the State Land Commissioner with the approval of the Governor, to contract with some person or firm in each county to investigate sales of real estate for taxes and bid in for the State, to notify parties in interest of such sales, to secure redemptions, to secure sales of property subject to sale at private sale by the State; and to fix the compensation for such services, and to repeal all laws or parts of laws in conflict herewith, and to fix the time when this act shall go into effect.

By Mr. Sanderson:

H. 887. To amend Schedule 96 of Section 348, Chapter 1, Article 13 of an Act "to provide for the General Revenue of the State of Alabama" known as House Bill 324, approved July 10th, 1935.

By Mr. Miller:

H. 908. To amend Section 148 of Article 5 of House Bill 324 providing for the General Revenue of the State of Alabama.

By Mr. Coleman:

H. 1019. For the purpose of paying a debt of honor and to do honor to Alabama's outstanding living hero of all wars, Sidney E. Manning of Flomaton, Escambia County, Alabama, Corporal Company "G" 167th Infantry, 42nd (Rainbow) Division; to make appropriations for the purpose of carrying out the provisions of this Act and to provide a Committee whose duties will

be that of carrying out the provisions of this Act under such plans and regulations, which regulations shall have the force and effect of law, as may be approved by the Governor.

By Mr. Kuykendall:

S. 432. To amend Article XIII, Chapter 1, Section 348, Schedule 104 of the General Revenue Law of 1935 entitled "An Act to provide for the general revenue of the State of Alabama."

Mr. Walden, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kuykendall:

S. 434. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage sub-districts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

Mr. Rogers (Mobile), Chairman of the Standing Committee on Seaports, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDermott:

H. 889. To amend Section 28 of an Act, entitled "An Act to create a Pilotage Commission to be known as The State Pilotage Commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act and to repeal all laws in conflict therewith," approved March 4, 1931.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 814. To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature an amendment to the Constitution of the State of Alabama, continuing the amount of taxes which may be levied by the Governing Body of the Municipality of Attalla, Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State, is hereby authorized upon such proposed amendment and the day appointed for such election is the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed. The amendment proposed is as follows:

(a) That the Municipality of Attalla, Alabama, through its governing body, may levy and collect from and after the date of this amendment the present rate of one per cent ad valorem tax per annum, and said amount to be devoted to the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality, but before any additional tax now authorized by law can be levied, it must be voted by a majority of qualified electors of the Municipality voting on such proposition at an election called by the governing body of said Municipality for such purposes; providing that the total tax levied for all purposes by the said Municipality of Attalla shall not exceed one per centum in any one year on the property situated therein, based on the valuation of such property as assessed for State taxation.

(b) That the adoption of this amendment shall in no wise effect, limit, modify, abridge or impair the power, authority or right of such Municipality to levy and collect the special school taxes now or hereafter vested in or conferred upon it under the Constitution or any amendment thereto.

(c) Each election held under the provisions of this amendment shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to Municipal Corporations, for elections to order the issuance of municipal bonds. The ballots used at such election shall contain the following words:

"For authorization of a continuation of taxation at a rate not to exceed one per cent per annum for the purpose of the payment

of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality."

"Against authorization of a continuation of taxation at a rate not to exceed one per cent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality."

The rate of taxation proposed shall be printed upon the ballot in the space indicated therefor and for the year or years in which the proposed rate is to apply, and the purpose or purposes for which said tax is to be used shall likewise be placed in the respective places therefor. The voter shall record his choice either for or against authorization of the proposed rate for the proposed purpose or purposes by placing a cross mark below or after the words expressing his choice. Nothing herein contained shall in any wise change or effect the rights of any holder of bonds of said Municipal Corporations heretofore issued. Elections in said Municipality to order the levy of such tax may be held as often as ordered by the governing body thereof, but when a proposition is submitted to the said municipality hereunder and said proposition is defeated, no second election shall be held in such municipality for one year thereafter. This amendment shall be self-operative without any additional legislation.

Section 2. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county of the State for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

Also:

H. 833. To permit the governing body of any municipality in this State having a population of not less than 24,000 nor over 60,000, according to the last or any succeeding Federal Census, to levy a license tax of three-fourths of one cent per gallon on all gasoline or other motor fuel sold in such municipality and pledge the same to secure bonds or other obligations hereafter issued for building and equipping school buildings therein.

Be it Enacted by the Legislature of Alabama:

Section 1. After the passage and approval of this Act, the governing body of any municipality in this State, having a population of not less than 24,000 and not more than 60,000, according to the last Federal census, or any future Federal census, shall have

the authority to levy a tax of three-fourths of one cent per gallon on all gasoline or other motor fuel sold in said municipality.

Section 2. The governing body of such municipality may pledge the proceeds of such tax for the payment of the principal and interest of any bonds or other obligations hereafter issued for the building and equipment of school houses for the public schools of said city, including the purchase of necessary ground for such school buildings, and when the tax is so pledged, such municipality shall continue to levy such tax so long as it may be necessary for the payment of the principal and interest of such bonds or other obligations.

Section 3. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING

The bill:

H. 651. To authorize any bank, trust company, bank and trust company, banking association, stock savings bank or mutual savings bank now or hereafter organized under the laws of this State or the conservator, receiver or liquidator thereof, to enter into such contracts, incur such obligations and generally to do such acts as may be appropriate or necessary to take advantage of any and all memberships, loans, subscriptions, contracts, grants, rights or privileges which may, at any time, be available or enure to said banking institutions or their depositors or stockholders, or their conservators, liquidators, or receivers, by virtue of any Act or Resolution of the Congress of the United States to aid, regulate or safeguard banking institutions and depositors, including the Act creating the Federal Deposit Insurance Corporation; to empower any such banking institution to subscribe to and acquire any stock or debentures or bonds or other types of securities of said Corporation and to comply with its regulations and requirements; to authorize the appointment of the Federal Deposit Insurance Corporation as receiver or liquidator of any such insured closed banking institution, and to authorize said Corporation to do any and all things appropriate in the sale or acquirement of the assets of such institutions and in the liquidation of same; to

make loans to same and to its receivers and liquidators and the State Superintendent of Banks therefor; to provide for the subrogation of said Corporation to the rights against said closed institutions of all insured depositors, whose deposits have been paid, or for the payment of which funds have been made available; to recognize the right of said Corporation to make examinations of and to require reports from such institution, and the State Superintendent of Banks to accept same in lieu of any examination or report authorized to be made to said official; to provide for disclosure by said State Superintendent of Banks to said Corporation and to the Federal Reserve Board and the Reconstruction Finance Corporation, or either or any of them, of the condition and affairs of such insured institution and access to information regarding same; to provide for the vesting of title in said Corporation of assets of such closed institutions.

To exempt banking institutions from furnishing security for any deposits to the extent such deposits are insured under Section 12B of the Federal Reserve Act, as amended."

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Cook

Dorsey

Fletcher

Glover

Kelly

Kuykendall

Locke

Mixon

Mooneyham

McDowell

Rogers (Mobile)

Simpson

Swift

Thomas

Tucker

Walden

Walton

Wellborn

Woodall

—22

Nays:—None.

The bill:

H. 894. To provide for State planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State; all local improvements which, under the statutes, are required to be submitted to State authorities; also all projects of state magnitude, even though the construction and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the commission under the provisions of this Act.

Was read a third time at length and passed.

Yeas, 18; Nay, 1.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Cook

Glover

Kelly

Kuykendall

Mixon

Mooneyham	Stephens	Walden	Wellborn	
McDowell	Swift	Walton	Woodall	
Simpson	Tucker			—18

Nay:—Mr. Dorsey.

—1

The bill:

H. 100. To amend Sections 3886, 3887, 3888 and 3889 of Chapter 122 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Dorsey	McDowell	Swift	Woodall
Glover			

—21

Nays:—None.

The bill:

H. 241. To appropriate the monies now in the Treasury to the credit of the Royalties and Rentals Federal Mining Leases Fund, and to provide for the disposition of future receipts from the Federal Government.

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:

Browder	Glover	Parrish	Walden
Carlton	Kuykendall	Rogers (Mobile)	Walton
Chesnut	Locke	Simpson	Wellborn
Cook	Mixon	Starnes	Woodall
Dorsey	McDowell	Stephens	

—19

Nays:—None.

The bill:

H. 432. To amend Section 7 of an Act entitled: An Act To give effect to the amendment to Section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws passed by the Legislature, to engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars"; continuing the authority granted the State of Alabama in Chapter 44, Article 4, of the Code of 1923, to engage in the work of internal improvement of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction, including all

kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issue and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State in respect to said development; continuing an agency of the State known as the State Docks Commission, preserving the terms of office of the existing members of the State Docks Commission, providing for the election, subject to confirmation by the Senate, and/or the Governor, of members of the State Docks Commission, including the participation by the Governor in the election of members of the Commission under certain circumstances provided; to provide for the management and control of all of said operations by said agency; to prescribe and define the powers, duties and jurisdiction of such agency, including, among other things, the leasing of real estate within the boundaries of the State Docks area and exempting from State, County and municipal taxation structures and improvements as well as all permanent facilities erected, installed or located, within said boundaries, by lessees, their successors or assigns, for the period stipulated in such leases, and including the exercise of the power of eminent domain, and, among other things, to make rules and regulations concerning the licensing and disciplining of pilots, fixing pilotage fees, promulgating rules and regulations for the operation and maintenance of any seaport or harbor within the State, preventing and penalizing obstruction of any harbor or seaport, providing suitable penalties for the violation of any rule or regulation established by said Commission under the authority of this Act; to confer upon said agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority, and for the use of its facilities acquired or constructed under authority of this Act, to require all persons and corporations rendering like services or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to establish harbor lines and to grant licenses to riparian owners to erect aids to navigation; to regulate generally the acquisition, construction, development and operation by the State of harbor improvements; including, among other things, all kinds of terminal facilities at seaports; to repeal all laws in conflict with this Act, and expressly repealing the following sections of the Code of 1923, viz: Sections 2427 to 2517, both inclusive. Approved January 17, 1927.

Was taken up.

The Standing Committee on Seaports reported the following amendment to said bill to-wit:

Amend House Bill No. 432, Section 7, by adding after the words "and the service and equipment pertinent thereto, And" where they appear together therein, the following words "Should

the said Commission exercise the authority herein given then in such event."

Which was adopted.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Parrish	Swift
Carlton	Locke	Rogers (Mobile)	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Starnes	Wellborn
Dorsey	McDowell	Stephens	Woodall
Glover			

—21

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	McDowell	Thomas
Chesnut	Kuykendall	Rogers (Mobile)	Walden
Cook	Locke	Simpson	Walton
Dorsey	Mixon	Starnes	Wellborn
Glover	Mooneyham	Swift	Woodall

—20

Nays:—None.

The bill, H. 408:

A BILL

To be entitled an Act to propose an amendment to Section 229 of the Constitution of Alabama to be known and designated as Article _____ thereof, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 229 of the Constitution of the State of Alabama to be known and designated as Article _____ thereof is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which cor-

porations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a Franchise Tax by corporations organized under the laws of this State which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations, or Federal Savings and Loan Associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended, or building and loan associations organized under or authorized to do business by the laws of Alabama, shall not be required to pay such a tax on their withdrawable or repurchasable share. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, viz: "Shall the following be adopted as an amendment to Section 229 of the Constitution of Alabama? 'Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the Laws of this State, which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations, or Federal Savings and Loan Associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended or building and loan associations organized under or authorized to do business by the laws of Alabama, shall not be required to pay such a tax on their withdrawable or repurchasable share. The charter of any corporation shall be subject to amendment, alteration, or

repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified.'"

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and return thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Parrish	Thomas
Carlton	Kuykendall	Rogers (Mobile)	Walden
Chesnut	Locke	Simpson	Walton
Cook	Mixon	Starnes	Wellborn
Dorsey	Mooneyham	Stephens	Woodall
Glover	McDowell	Swift	

—23

Nays:—None.

The bill:

H. 827. For the further promotion of the vocational rehabilitation, physical restoration, and care and treatment of crippled individuals, and for the promotion of the vocational rehabilitation of persons physically disabled in industry or otherwise and for their return to civil employment, and to provide for its administration.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Simpson	Walden
Chesnut	Locke	Starnes	Walton
Cook	Mixon	Stephens	Wellborn
Dorsey	Mooneyham	Swift	Woodall
Glover	McDowell		

—22

Nays:—None.

The bill:

H. 829. For providing medical, surgical, corrective and other services, care and treatment, and facilities for diagnosis, hospitalization, and after-care for children who are crippled or who are suffering from conditions which lead to crippling, and to provide for its administration.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Riddle	Thomas
Carlton	Locke	Rogers (Mobile)	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Wellborn
Glover	Parrish	Swift	Woodall
Kelly			

—25

Nays:—None.

The bill:

H. 373. To Revise and Amend "An Act to Revise and Amend Chapter 224 of the Code of 1907", approved September 29, 1923.

Was taken up.

Mr. Woodall offered the following amendment to said bill to-wit:

Amend House Bill 373, Section 5, by adding at the end of said section the following: "Provided however that nothing herein contained shall prevent the hunting of animals commonly referred to as coons and opossums with a light at night time."

Which was adopted.

Yeas, 22; Nay, 1.

Yeas:

Messrs.:

Browder	Kelly	Parrish	Swift
Carlton	Kuykendall	Rogers (Mobile)	Thomas
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Woodall
Glover	McDowell		

—22

Nay:—Mr. Tucker.

—1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Chesnut	Dorsey	Kelly
Carlton	Cook	Glover	Kuykendall

Locke
Mixon
Mooneyham
McDowell

Parrish
Rogers (Mobile)
Simpson
Starnes

Stephens
Swift
Thomas
Tucker

Walden
Walton
Woodall

—23

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Rules Committee:

S. J. R. 118. Relative to the two Houses adjourning today to meet again Friday, September 6th, 1935, at ten A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate Amendment to the following House bill:

By Messrs. Glover & Parrish:

H. 578. To amend sections 2, 3 and 5 of an Act, entitled an Act To Create the Office of County Road Supervisor for Henry County, Alabama, (H-536) approved November 4, 1932, so as to further regulate and prescribe the manner or mode of his election and/or appointment; and the election and/or appointment of his successor; to further prescribe and fix his term of office and to fix his salary; and to fix penalties for the violation of this Act.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Owen (Etowah):

H. 773. To allow the Register in Chancery of the Circuit Court of Etowah County, Alabama, a clerk; to provide for the appointment and tenure of office of said clerk; to fix the salary of said clerk and to make the same payable out of the general funds of Etowah County in monthly installments.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Wallace:

H. 951. To amend subdivision 3 of Section 231 of the Code of Alabama of 1923, as amended by Act approved June 6, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 951, to the Committee on Revision of Laws.

BILLS ON THIRD READING RESUMED

The bill:

H. 629. To amend an Act entitled "An Act To Vest The Circuit Court, Or Court Of Like Jurisdiction, With Power To Authorize A Married Person Whose Spouse Is Insane, To Dispose Of Any Or All Interests Owned In Real Estate As If Single", approved April 19, 1933, so as to read as follows: "An Act To Vest The Circuit Court, Or Court Of Like Jurisdiction, With Power To Authorize A Married Person Whose Spouse Is Insane, To Sell, Convey, Mortgage, Or Otherwise Dispose Of Any Or All Interests Owned In Real Estate, Not Including A Homestead, As If Single".

Was read a third time at length and passed.

Yeas, 19; Nay, 1.

Yeas:

Messrs.:

Chesnut	Kuykendall	Riddle	Swift
Cook	Locke	Rogers (Mobile)	Thomas
Dorsey	Mixon	Simpson	Walton
Glover	Mooneyham	Starnes	Woodall
Kelly	McDowell	Stephens	—19

Nay:—Mr. Parrish.

—1

The bill:

H. 936. To Amend Schedule 67 of Article 13 Chapter 1 Section 348 of House Bill 324 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10th, 1935.

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

*Yeas:**Messrs.:*

Browder	Kuykendall	Parrish	Thomas
Chesnut	Locke	Rogers (Mobile)	Tucker
Dorsey	Mixon	Simpson	Walton
Glover	Mooneyham	Starnes	Woodall
Kelly	McDowell	Stephens	

—19

Nays:—None.

The bill:

H. 542. To amend subdivision 2 of Section 9896 of the Code of Alabama, 1923, as amended by an act entitled, "An Act to amend paragraphs (f) and (g) of Section 9879 and Section 9880 of the Code of Alabama, 1923, as amended by an Act entitled, 'An Act to amend Section 9879 and 9880 of the Code of Alabama, 1923' approved by the Governor, September 9th, 1927; also to amend Sections 9878, 9885, 9887, 9890, 9891, 9892, 9896, 9899, and 5402 of the Code of Alabama, 1923; and to provide for the registration of securities, dealers in and salesmen of securities and the regulation, supervision, suspension, cancellation and revocation thereof; and to fix penalties and to provide remedies for the violation of this act; and to provide for the protection of the public (purchasers and holders of securities) by injunction, receivership and other equitable remedies at the instance of the State of Alabama". Approved by the Governor, July 28th, 1931 (General Acts of Alabama, 1931, pages 783-801).

Was read a third time at length and passed.

Yeas, 17; *Nay*, 1.*Yeas:**Messrs.:*

Browder	Kelly	McDowell	Thomas
Carlton	Kuykendall	Rogers (Mobile)	Tucker
Chesnut	Locke	Simpson	Walton
Cook	Mixon	Stephens	Woodall
Glover			

—17

Nay:—Mr. Mooneyham.

—1

The bill, H. 967:

A BILL

To be entitled an Act to submit to the qualified voters of the State of Alabama, at an election to be held when the first general election on any question is submitted to the legal voters of Alabama, but said election not to be held within three months from and after the final adjournment of the present regular session of the 1935 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local

laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Calhoun, and Tuscaloosa; and, whereby all Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable or purporting to be applicable to any or all of said Counties, and fixing or purporting to fix the compensation of said county officers on a salary basis, are validated and confirmed.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in the following named counties: Calhoun and Tuscaloosa. All Acts of the Regular Session of the Legislature 1935, heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix the compensation of said named county officers, on a salary basis, are hereby validated and confirmed."

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least eight successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held when the first general election on any question is submitted to the legal voters of Alabama, but said election not to be held within three months from and after the final adjournment of the present regular session of the 1935 Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amend-

ment to the Constitution of Alabama? 'The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation or consolidate any of said offices in the following named counties: Calhoun, and Tuscaloosa. All Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix, the compensation of said named county officers, on a salary basis, are hereby validated and confirmed.' Yes..... No....." The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated, and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Cook

Dorsey

Glover

Kelly

Kuykendall

Mixon

Mooneyham

McDowell

Parrish

Riddle

Rogers (Mobile)

Simpson

Starnes

Stephens

Thomas

Tucker

Walton

Woodall

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 385. To provide for the publication of a Code of Alabama and to provide for the appointing of a committee to contract for the compilation, codification, annotating, indexing, printing, binding, and distributing of the public statutes of the State of Alabama of a general and permanent nature, and to provide for necessary appropriations therefor.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Woodall, the Senate non-concurred in the following amendment by the House to S. 385, the title of which is set out in the foregoing Message from the House to-wit:

AMENDMENT TO SENATE BILL NO. 385

Amend Senate bill No. 385 so as to read as follows:

A BILL

To be entitled An Act to provide for the revision, codification, digesting and promulgation of the public statutes of this State.

WHEREAS, Section 85 of the Constitution of the State of Alabama provides that it shall be the duty of the Legislature at its first session after the ratification of the Constitution and within every subsequent period of twelve years to make provision by law for revising, digesting and promulgating the public statutes of the state, of a general nature, and

WHEREAS, the Legislature of Alabama at its session in 1919 did make appropriate provision by law for revising, digesting and promulgating the public statutes of the state of a general nature, and which provision was effected by the adoption and promulgation of the Code of Alabama of 1923; therefore

Be it enacted by the Legislature of Alabama:

Section 1. That the Justices of the Supreme Court of the state, be and they are hereby authorized, empowered and directed to employ a code commissioner (resident or non-resident, individual or corporation) whose duty it shall be, under the supervision and direction of the Justices of the Supreme Court, from time to time, to revise, digest and codify all the statutes of the state, of a general and public nature, including such acts as may be passed by this Legislature.

Section 2. Such commissioner shall revise and prepare, under the supervision and direction of the Justices of the Supreme Court, a systematic code of the whole body of the public statutes of the state, such code to be divided into separate volumes, each properly bound and the whole indexed. The manuscript of the code shall be prepared and submitted as herein provided and may be in either printed or typewritten form, or partly printed or partly typewritten.

Section 3. It shall be the duty of the commissioner at least two months before the convening of the next Legislature to deliver the code to the Justices of the Supreme Court of the state, together with a statement showing each and all changes he shall have made, and the phraseology thereof, together with all additions thereto and omissions therefrom, with accurate reference to the acts and laws so altered, changed or omitted. It shall be the duty of the Justices of the Supreme Court carefully and painstakingly to examine the same and specifically report upon the same to any subsequent session of this Legislature or to the Legislature of 1939, recommending such alterations, changes, omissions, and modifications, if any, as to them seem proper, and they shall attach to their report the statement of the commissioner herein provided for.

Section 4. The commissioner shall prepare appropriate chapters, titles and subdivisions of titles for each chapter, clearly, briefly, and succinctly expressive of the subjects treated, which shall be arranged alphabetically, bringing into appropriate order and place all public laws appertaining to the subject treated. The commissioner shall not simply transfer or transcribe the laws enacted by the Legislature, but shall without changing the sense, so alter the phraseology as to eliminate and exclude all redundancy, prolixity and obscurity of expression, and when there shall be several acts relating to or embracing the same subject, they shall be gathered together and condensed into one and so worded as clearly and fully to set forth the substance and meaning of the whole, having regard to the judicial exposition thereof. Whenever it shall be apparent that there are legislative omissions or mistakes in any statute, the commissioner shall supply and rectify the same so as to correct and perfect such statute and render its meaning clear and its operation complete, and shall add such original notes and references as may be proper for the clear elucidation thereof and for easy and ready reference to the several laws from which they may be compiled, showing as far as may be when such acts and statutes and laws became operative and when amended, to which shall be appended in appropriate arrangement a citation and digest of decisions of the Supreme Court and Court of Appeals, construing, explaining or discussing such sections or acts.

Section 5. The commissioner shall prepare and submit an accurate, full, complete and comprehensive index of the code, which shall contain an alphabetical arrangement of all the various subjects contained in such code.

Section 6. The commission shall number each section of the code and immediately following the number of each section, shall set out the numbers of the section of the Codes of 1923, 1907, 1896, 1886, 1876, 1867, and 1852, in the order herein set forth; designating by a (-----) any intermediate code which does not contain such sections of subject-matter.

Section 7. The commissioner shall prepare an appendix to the code which shall contain a table or tables of the numbers of the sections of all the codes of this state which refer to or embrace the same or like subject-matter.

Section 8. The commissioner shall prefix the code with the Constitution of 1875, and the Constitution of 1901 with all amendments, and shall make a brief and concise statement of the rulings and decisions of the Supreme Court with reference to each section of the Constitution of 1901 where the same has been construed; such statement to follow immediately after the section so construed or passed on.

Section 9. The commissioner shall receive for his services from the State of Alabama, the sum of not exceeding Twenty Thousand Dollars (\$20,000.00), as may be determined by the Justices of the Supreme Court, this sum to include allowance for clerical assistance, and to be payable at the times and in such amounts as may be prescribed and approved by the Justices of the Supreme Court. And said sum of Twenty Thousand (\$20,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of funds in the treasury not otherwise appropriated, and shall be paid by the Treasurer upon certificate of the Chief Justice of the Supreme Court.

Section 10. In case the commissioner shall die, resign or become unable to execute the duties herein required of him, the Justices of the Supreme Court shall employ a suitable person in his place and such person, when so employed, shall have all the rights and powers of such commissioner and shall perform all the duties herein required of him.

Section 11. The commissioner shall prepare and submit to the Justices of the Supreme Court, when he submits the Code as hereinabove provided, such bills as he may deem necessary or proper for perfecting, harmonizing, or improving the system of laws of Alabama, which he cannot embrace in the code, as hereinabove provided, which bills the Justices of the Supreme Court shall carefully examine and report to the Legislature of 1939 with such

suggestions in regard to the passage or amendment of such bills as they may deem proper.

Section 12. The Secretary of State shall supply the commissioner with stationery and supplies necessary to the preparation of the code, and with one volume each of the Codes of 1852, 1867, 1876, 1886, and 1896, and with two volumes of the Codes of 1907 and 1923, and two copies each of all acts of the Legislature of Alabama, beginning with the regular session of the Legislature of 1923.

Section 13. In case the commissioner shall die or become unable to execute the duties herein required of him, without having received compensation for the work performed by him, reasonable compensation for the work performed, to be determined by the Justices of the Supreme Court, shall be paid to his personal representative in event of his death, or to him in event he become unable to further prosecute the work.

Section 14. That all laws and parts of laws in conflict herewith be and are hereby repealed.

And request a Committee of Conference.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:

Browder
Carlton
Chesnut
Cook
Glover

Kuykendall
Locke
Mixon
Mooneyham
Parrish

Riddle
Rogers (Mobile)
Simpson
Starnes
Stephens

Thomas
Tucker
Walden
Walton
Woodall

—20

Nays:—None.

And the President of the Senate appointed as a Committee on part of the Senate Messrs. Woodall, Simpson and Kelly.

BILLS ON THIRD READING RESUMED

The bill:

H. 76. To make a conditional appropriation for the acquisition of lands to be developed as forests and parks to enable the State to cooperate effectively with the United States Government in its recovery program in Alabama, and to make provision for repayment of said appropriation into the general fund.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Browder
Chesnut
Dorsey

Glover
Kelly
Kuykendall

Locke
Mixon
Mooneyham

McDowell
Parrish
Riddle

Rogers (Mobile)	Stephens	Tucker	Walton
Simpson	Swift	Walden	Woodall
Starnes	Thomas		

—22

Nays:—None.

The bill:

H. 268. To authorize and provide for the payment of the sum of Two Hundred Ten Dollars (\$210.00) for the relief of Mrs. Mary McG. Kelly of Wilcox County, Alabama who was entitled to an increase in pension for the April 1st 1933 quarter, had she filed her reclassification pension application when she reached the age of Eighty years.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Parrish	Thomas
Carlton	Kuykendall	Riddle	Tucker
Chesnut	Locke	Rogers (Mobile)	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Woodall
Glover	McDowell	Stephens	

—23

Nays:—None.

The bill:

H. 515. To provide that any and all salaries, fees, commissions, sompensation, funds or money heretofore received, or hereafter received, now, or hereafter in the hands or possession of any executive, legislative or judicial officer or any public officer, or of any officer holding any civil office of profit under this State or in any county or municipality thereof, whether elected or appointed, or his successor in office, or their successors in office, or his respective representative or agent, personal representative or successor in interest, affected by or within the operation of the Amendment to The Constitution of Alabama, and known as Article 24 of the Constitution of Alabama, and duly ratified the 18th day of July, 1933, and proclaimed ratified on August 2, 1933, by the Governor, after deducting the reasonable expenses of conducting the office of such officer or person be paid to the county and to the credit of the general funds of the county in which such officer or person is now or has been performing or discharging his official duties, or be paid into the general funds of the State of Alabama, in case such officer or person is now or has been performing or discharging his official duties for the State of Alabama and for no particular County; to make a full and detailed accounting of such reasonable expense of conducting such office; to provide for a penalty for failure to make such payments and such accountings of the reasonable expense of conducting such office, and to make the

sureties on the official bonds liable for said funds and for all of the penalties, and to provide for the procedure of collecting such funds from such officers; and to declare any officer who neglects or fails to pay such sums of money due to the State or to his county within the time provided in this Act, and who neglects or fails to make the full and detailed accounting of such reasonable expenses of conducting his said office, to be guilty of a misdemeanor, and to provide for the punishment thereof.

Was taken up.

The Committee on Judiciary reported the following amendment to said bill to-wit:

AMENDMENT TO HOUSE BILL NO. 515

Amend House Bill No. 515 as follows:

Amend the Caption of said Bill as follows:

Strike therefrom the words "or municipality thereof."

Strike therefrom the words "such payments and."

Strike therefrom the following words: "to pay such sums of money due to the State or to his county within the time provided in this act and who neglects or fails."

Add to the caption the following: "to define the annual term or year for or during which the limitation of \$6,000.00 provided for in said Constitutional Amendment, and the remaining portion of the terms thereof."

Amend Section One thereof as follows:

Strike therefrom the words "or municipality thereof".

Strike therefrom Section Two and substitute in lieu thereof the following:

Section 2. That hereafter such officer or person be, and he is hereby required to make an accounting to the proper officials of his County or the State of Alabama, as the case may be, and pay over to his County or to the State of Alabama and to the credit of the general fund of his said County or said State of Alabama respectively, as the case may be, within ninety (90) days after this Act becomes effective, and within twelve (12) months thereafter, any and all fees, funds or money received by him in excess of his said salary or amount due him and the reasonable expense of conducting his said office, and at such times shall make a full and detailed accounting of such reasonable expense of conducting his said office. For the purposes of accounting and paying over any and all amounts due to be paid hereunder to Counties or State, the annual term or year for or during which the limitation of \$6,000.00 per annum, provided for in the Constitutional Amendment referred to in Section One hereof, shall be from September 1 to August 31 and the remaining portion of the year 1935 from September 1, 1935

to September 30, 1935 shall be prorated for and during the year from September 1, 1935 to August 31, 1936.

Strike therefrom Section Three and substitute in lieu thereof the following:

Section 3. That any officer who neglects or fails to make a full and detailed accounting required by this Act within the time provided in this Act shall be guilty of a misdemeanor and shall be punished accordingly.

Which was adopted.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	Mooneyham	Stephens	Walton
Cook	Parrish	Swift	Woodall
Dorsey	Riddle	Thomas	

—19

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:

Browder	Glover	Parrish	Thomas
Carlton	Kuykendall	Riddle	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Woodall

—20

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Swift:

S. 381. To authorize the Judge of Probate, the Tax Assessor and the Tax Collector in all counties which now or may hereafter embrace an area of twelve hundred and fifty (1250) or more square miles, where it is necessary or expedient to the efficient conduct of such offices, to employ more help than is allowed by the provisions of House Bill 324, approved July 10, 1935, when such employment is authorized and approved by the Court of County Commissioners or like governing body of such counties, duly entered on the minutes of such Court.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF SECRETARY

Mr. President :

Pursuant to the requirements of Joint Rule No. 5, of the Senate and House, I respectfully report the following Senate Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. 326. To declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act.

Delivered to the Governor August 20, 1935, at 10:45 A. M.

Also:

S. 182. To regulate the practices of professional engineering including land surveying; creating a State Board of Registration for Professional Engineers and Land Surveyors; defining its powers and duties; also imposing certain duties upon the State and political subdivisions thereof in connection with public work; providing penalties.

Delivered to the Governor August 22, 1935, at 10:55 A. M.

Also:

S. 227. To amend Sections 5 and 6 of an Act entitled, "An Act to regulate the public schools in the County of Mobile"; approved February 15th, 1876.

Delivered to the Governor August 22, 1935, at 10:55 A. M.

Also:

S. 229. To amend an Act Entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" approved April 11, 1933. (Local acts 1933, No. 136, Senate Bill 203—Duncan)

Delivered to the Governor August 22d, 1935, at 10:55 A. M.

Also:

S. 320. To create the office of County Solicitor of Washington County, Alabama, to provide for the appointment to fill vacancy in the office, to provide for the election of such County Solicitor by the qualified voters of said County, to prescribe his powers, duties, and qualifications, to provide for his compensation,

to provide how it shall be paid, and to repeal all laws in conflict therewith.

Delivered to the Governor August 22d, 1935, at 10:55 A. M.

Also:

S. 321. To abolish the office of Deputy Solicitor of Washington County, Alabama, and to provide that such bill shall not affect any general, special or local law, except as herein provided.

Delivered to the Governor August 22d, 1935, at 10:55 A. M.

Also:

S. 362. To create an Armory Commission for the State of Alabama and to authorize the persons named therein to form and organize a corporation to be known as the "Armory Commission of Alabama"; to specify and define its authority and duties; to authorize said Commission when incorporated to construct and maintain armories, drill and training areas for the National Guard and Naval Militia and their various units; to authorize municipalities, counties, the State and others to cooperate in and about the construction of armories, the providing of drill and training areas and to assist in paying therefor; to authorize municipalities and counties to convey to The Armory Commission of Alabama lands owned by them on which to construct such armories, whether such lands already be used for parks or other purposes; to authorize The Armory Commission of Alabama to finance, or refinance armory buildings that have already been constructed, to finance the improvement of such armories, and to authorize The Armory Commission of Alabama to finance the construction of other or further or additional armories; and to authorize the Governor of Alabama, in his discretion, to use a part of any appropriation made for military purposes for the purpose of paying any deficit of principal or interest under any plan of financing or refinancing, adopted by The Armory Commission of Alabama for the financing, or refinancing, of armories already in existence, the construction of, improvements to or additions to, such armories already in existence and the construction of new and additional armories.

Delivered to the Governor August 22d, 1935, at 10:55 A. M.

Also:

S. J. R. 103. Requesting the President of the United States to continue the 12c loan on cotton for the year 1935.

Delivered to the Governor August 22d, 1935, at 12:30 P. M.

Also:

S. 97. To vest authority and power in the State Highway Commission to abandon and discontinue and to close grade crossings of State highways where such highways cross railroads or street railways within the State of Alabama.

Delivered to the Governor August 26th, 1935, at 11:10 A. M.

Also:

S. 112. To regulate general contracting.

Delivered to the Governor August 26th, 1935, at 5:55 P. M.

Also:

S. 230. Authorizing the Treasurer of the Talladega County Board of Education to pay the sum of \$774.95 to the Talladega National Bank for money heretofore advanced by said bank for the building of a schoolhouse in said county; said funds to be paid out of any funds in the hands of said Treasurer, not otherwise appropriated, upon the order of said Board.

Delivered to the Governor August 26, 1935, at 5:55 P. M.

Also:

S. 350. To amend Section 4768 of the Code of Alabama of 1923.

Delivered to the Governor August 26, 1935, at 5:55 P. M.

Also:

S. 351. To establish a budget system and provide for the preparation of a budget for each county and city school system in the state; to provide that the budgeted current expenditures shall not exceed the budgeted income of each such board of education; to provide that the actual payments shall not exceed the budgeted payments except on approval of the county or city board of education and of the State Superintendent of Education; to provide that the actual payments shall not exceed the actual income plus balances except in the issuance of warrants for capital outlay purposes; to authorize county and city boards of education to borrow funds against the current year's revenues when necessary to pay their current expenses; to regulate and restrict borrowing for capital outlay purposes, and to authorize and regulate the issuance of warrants or notes to pay debts incurred prior to July 1, 1935.

Delivered to the Governor August 26, 1935, at 5:55 P. M.

Also:

S. 325. To provide for the extension of the county three mill and county one mill school taxes by the legally qualified voters of a county where such taxes have already expired or will expire before October 1, 1950, to enable the superintendent and board of education to be in better position to take advantage of Federal funds which have been or may be made available for the construction, addition to, alteration, repair or renovation of needed school buildings, and to provide the term of extension of such taxes as have not expired, and to legalize taxes already voted.

Delivered to the Governor August 27, 1935, at 10:40 A. M.

Also:

S. 327. In the interest of economy in the operation of the public schools of the State of Alabama, to authorize county and city boards of education to take steps to refinance warrants or other

obligations outstanding for school purposes carrying an interest rate in excess of four and one-half ($4\frac{1}{2}$) per cent.

Delivered to the Governor August 27th, 1935, at 10:40 A. M.

Also:

S. 336. To amend the caption and Section 1, Section 2, Paragraph (d), Section 3, Section 6, Section 9, Section 11 and Section 16 of an Act entitled, "An Act to authorize the creation of the Rural Electrification Authority of Alabama for the purpose of promoting and encouraging the fullest possible use of electric energy in the State by making electric energy available to certain inhabitants of the State at the lowest cost consistent with sound economy and prudent management; authorizing the Authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation, transmission and distribution of electric energy to carry out the purposes of this Act; providing for the rights, powers and duties of the Authority; authorizing and regulating the issuance of bonds by the Authority; and providing for the payment of such bonds and the rights of the holders thereof, approved February 7, 1935.

Delivered to the Governor August 27th, 1935, at 10:40 A. M.

Also:

S. 373. To permit the playing of tennis, golf, baseball and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in cities of the State which now have or may hereafter have a population of not less than Twenty-Four Thousand inhabitants nor more than Sixty Thousand inhabitants, according to the last or any subsequent Federal Census and within the police jurisdiction thereof; to provide that the governing body of any such city may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city, and to provide for holding of other and subsequent elections on such acts and for cost thereof.

Delivered to the Governor August 27th, 1935, at 3:55 P. M.

Also:

S. 388. To extend the time in which tax collectors of the several counties of Alabama may file their official bonds with the Comptroller, so that they may be filed on or before the 15th day of September next after their election; and to repeal all laws in conflict herewith.

Delivered to the Governor August 27th, 1935, at 3:40 P. M.

Also:

S. 392. To repeal an act entitled, "An Act to define sedition and prescribe the punishment therefor", which became a law under the Constitution of Alabama on July 31, 1935.

Delivered to the Governor August 27th, 1935, at 3:55 P. M.

Also:

S. 365. To create a State Department of Public Welfare; to provide for a State Board of Public Welfare for the government thereof; to prescribe its powers and duties; to provide for the appointment of a Commissioner as Executive Officer and for the appointment of other employees, their compensation and the maintenance and other expenses of the State Department of Public Welfare; to transfer to the State Department of Public Welfare all the powers, duties, and obligations now vested in and relating to the State Child Welfare Department, except the administration of the State Child Labor Law, which may now or hereafter be transferred to the Department of Labor in the event such department be established; to transfer to the State Department of Public Welfare all those duties having to do primarily with the determination of need and authorization of relief now performed by the Alabama Relief Administration; to empower the State Department of Public Welfare to administer all public assistance funds, child welfare funds, and all funds appropriated by the Legislature to the State Department of Public Welfare for the purposes for which they are appropriated; to authorize the State Department of Public Welfare to act as agent for and to cooperate with any Federal or State agency or enactment now or hereafter provided by law for the purpose of rendering public assistance and services through any of the bureaus herein created; to authorize the State Board of Public Welfare to create such other bureaus and divisions within the purview of this Act as may be necessary for its administration and to prescribe rules and regulations governing the same; to authorize the State Board of Public Welfare to prescribe adequate standards of education, training and experience which must have been attained by persons selected for the positions to be filled in each of the bureaus and divisions of the State Department of Public Welfare and in the several county departments of public welfare; to authorize the State Board of Public Welfare to issue certificates to such persons as may meet the qualifications prescribed; to provide a mental hygiene program of non-institutional care; to authorize the State Department of Public Welfare to collect statistics and other information relative to public welfare and to make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for public assistance, family welfare, child welfare and other welfare activities; to create county departments of public welfare and to provide for county boards of public welfare for the government thereof; to prescribe their powers and duties; to transfer to the county boards of public welfare and the county departments of public welfare all rights, duties, powers and obligations of the present county child welfare

boards; to authorize the county departments of public welfare, operating under the county boards of public welfare, to act as agents for and to cooperate with any Federal, State or County agency or enactment now or hereafter provided by law for the purpose of rendering public assistance, family welfare services and child welfare services; and to repeal all laws in conflict herewith.

Delivered to the Governor August 27th, 1935, at 8:55 P. M.

SECRETARY'S REPORT

The foregoing Report of the Secretary was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House bill:

H. 518. To create in all cities of the State of Alabama, which have a population of as much as two hundred thousand people according to the last Federal Census, or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire departments of such cities; to provide for the organization of such board of trustees; to designate certain members of the said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to continue as trustees the members of such board as now exist under existing laws during the terms for which they have been elected, same to be trustees under this act in their respective cities which are governed by this act and where this law applies; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department and the widows, minor children and dependent widowed mothers of such disabled and retired members; and to continue benefits and relief under this law to such as are receiving same under existing laws in such cities as are governed by this law; to declare the said Board of Trustees the trustees of such fund, to provide for the use, management and control of such fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into such funds of the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire

insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for sworn statements to be made to the Treasurer or Comptroller of such cities by all persons, firms or corporations which conduct a fire insurance agency or brokerage business within such cities, and to prescribe the penalty for failure to make and file such statements, and for enforcing such penalty; to provide for the payment into such fund dues to be collected from property owners who carry no fire insurance but who carry or set aside a reserve fund against loss or damage by fire or who carry insurance in or with fire insurance companies not authorized to do business in the State of Alabama, to provide for verified statements to be made by such property owners to the Commissioner of Insurance, to provide for the collection of such dues, and to prescribe the penalty for failure to make such payment and/or verified statement, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize, and empower such cities to pay into such fund a part of the revenue received from licenses issued by such cities; to transfer and convert into the respective Firemen's Pension and Relief funds as created and provide in this Act the respective funds and moneys and properties constituting Firemen's Pension and Relief funds as are existing respectively under existing laws in Alabama in the cities which shall come under and be governed by the provisions of this Act; and to provide for the administration and use of same; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment of One Hundred (\$100.00) Dollars out of such funds, upon the death of an active or retired member of such fire department, to the beneficiary of such deceased member; to provide for fixing the status of paid members of the fire department of any City, Town, Suburb, or Settlement which may be annexed or become a part of Cities which shall come under and be governed by the provisions of this Act, relative to the retention of such paid members, and the granting of pensions and relief privileges to them; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the City Attorney and City Physician in connection with the said Board of Trustees and the said fund; to provide for medical examination and diagnosis of the physical or mental condition of sick or disabled members of such fire department;

to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits of said fund from levy; to provide the time of taking effect of this Act.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the bill:

H. 491. To amend Sections II, III, V, and VI of an Act entitled "An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof," which became a law July 24, 1931 under Section 125 of the Constitution.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the Forty-sixth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Forty-sixth Legislative day approved by the Senate.

ADJOURNMENT

At 5:10 P. M., on motion of Mr. Riddle, and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Friday, September 6th, 1935, at ten A. M.

FORTY-SEVENTH DAY

Friday, September, 6th, 1935.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Dr. Wright, of the House of Representatives.

ROLL CALL

Present:

Messrs.:			
Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	McDowell	Swift	Woodall
Glover	Parrish		

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JOURNAL

On motion of Mr. Tucker the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit: By Mr. Thomas:

S. 412. To propose an amendment to the Constitution of the State of Alabama of 1901, whereby the Town of Montevallo, Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate in excess thereof shall have been submitted, to and authorized by ballot by the qualified electors of such municipality, at an election or elections to be held by it from time to time for such purpose and to order an election of the qualified electors of the State of Alabama upon such proposed

amendment to be held at the next general election for state and county officers in November 1936.

The above bill was read a second time at length as required by the Constitution.

Mr. McDowell, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without Recommendation and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Connor:

H. 8. To provide for and submit to the qualified electors of the State of Alabama at an election to be held on the second Tuesday next after the expiration of three months after the final adjournment of the present session of the Legislature, an amendment to the Constitution of Alabama to be as follows: "Amendment XXIX to the Constitution of Alabama. Any person who was duly registered as an elector on January 1, 1932, and shall have paid on or before the first day of February next preceding the election at which he offers to vote all poll taxes due from him for the year 1933 and each subsequent year and complied with all other requirements under the Constitution except as otherwise herein provided with respect to payment of poll taxes, can become a qualified elector.

Nothing herein contained shall change, alter or abrogate the provisions of amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

The above bill was read a second time at length as required by the Constitution.

By Mr. Weaver:

S. 375. To propose an amendment to the Constitution of the State of Alabama of 1901 authorizing and directing the legislature to enact the necessary laws recalling all State, County and Municipal officers, including the Probate Judge but not to include the judiciary of the State of Alabama, to be designated as "Article XXVI", and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for State and County officers in November 1936.

The above bill was read a second time at length as required by the Constitution.

By Mr. Thomas:

S. 393. To submit to the qualified voters of the State of Alabama, at an election to be held when the first general election on any question is submitted to the legal voters of Alabama, but said

election not to be held within three months from and after the final adjournment of the present regular session of the 1935 Legislature, for their consideration, and amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation or consolidate any of said offices in each of the following named counties: Calhoun, Elmore and Tuscaloosa; and, whereby all Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable or purporting to be applicable to any or all of said Counties, and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed.

The above bill was read a second time at length as required by the Constitution.

By Mr. Stephens:

S. 390. To propose an amendment to Section 48 of Article IV of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the date of the holding of the general election for the election of United States Senator from Alabama in the year 1936.

The above bill was read a second time at length as required by the Constitution.

By Mr. Stephens:

S. 391. To propose an amendment to Section 49 of Article IV of the Constitution of Alabama and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the date of the holding of the general election for the election of United States Senator from Alabama in the year 1936.

The above bill was read a second time at length as required by the Constitution.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Wallace:

H. 951. To amend subdivision 3 of Section 231 of the Code of Alabama of 1923, as amended by Act approved June 6, 1935.

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the

following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Castleberry:

H. 1039. To provide a method for filling vacancies which now exist on boards of revenue, or like bodies, in the counties of Alabama; to provide for an election or elections and the holding of same.

By Mr. Hendley:

H. 986. To provide plans of apportionment and distribution of school funds by county boards of education to boards of education of independent cities in the county.

By Mr. Steele (with amendment):

H. 948. To amend Section 2 of an Act of the Legislature of Alabama approved October 28th, 1932, entitled an Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1932; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from ruling with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Henson (with notice and proof):

H. 1042. To make it a misdemeanor to pursue, catch, take or kill or to attempt to pursue, catch, take or kill or hunt any wild animal, bird or game, by the use of or while using any head light, or lighted device, or light of any kind, in Washington County, and to prescribe the penalty therefor.

By Mr. Hendley (with notice and proof):

H. 1051. To relieve all persons in Covington County, Alabama of any legal obligation to work on the public roads in said county, or pay any money in lieu of such obligation to work on the public roads in Covington County, Alabama.

By Mr. Henson (with notice and proof):

H. 1043. To relieve all persons in Washington County, Alabama, of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such legal obligations to work on the public roads in Washington County, Alabama.

By Mr. Sightler:

H. 1030. To require the tax assessors and tax collectors of the several counties in this State having a population of not less than 75,000 nor more than 110,000 people, according to the last or any succeeding Federal Census, in addition to assessing and collecting the ad valorem taxes due the State and said counties on motor vehicles, to collect the ad valorem taxes on motor vehicles due all cities and municipalities in such counties; to provide for reports and payments of collections by tax collectors; and to fix compensation of said assessors and collectors for the performance of their duties under this Act, which shall be in addition to compensation now received by them for assessing and collecting taxes for the State and such counties; and to repeal all laws or parts of laws, general or local in conflict with this Act.

By Mr. Sparks (with notice and proof):

H. 1024. To amend an Act entitled: "An Act to authorize the Sheriff of Walker County, Alabama, to appoint two special and general deputies, fix their tenure of office, prescribe their duties, fix their compensation and to authorize and require the County Commission for Walker County, Alabama, to pay the same by warrants drawn on the Treasurer and paid out of the general funds of said County, and to require said deputies to give bonds in the sum of \$2,000.00 each, payable to said Sheriff with conditions as required by Section 2595 of the Code of Alabama, 1923," approved....., 1935, to provide that the County Commission of Walker County, Alabama, may at its election, after the expiration of two years from the appointment of said deputies sheriff, discontinue appropriation of County funds for the payment of their salaries.

By Mr. Bulger (with notice and proof):

H. 1023. To allow the Sheriff of Tallapoosa County mileage for transporting prisoners to and from the county jail at Dadeville to the Court House in Alexander City there to stand trial at any term of the County Court or Circuit Court of Tallapoosa County at Alexander City, and to provide for the payment of such mileage from the General Fund of Tallapoosa County.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Tompkins (with notice and proof):

H. 794. For the relief of George G. Wallace, Jr., Tax Collector of Russell County, Alabama.

By Mr. Tompkins (with notice and proof):

H. 793. For the relief of K. C. Tigner, Tax Assessor of Russell County, Alabama.

Mr. Parrish, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Lusk (by request) (with amendment.)

H. 769. To authorize, provide for and regulate a non-profit corporation for the establishment, maintenance and operation of a plan for hospitalization of citizens of Alabama in hospitals approved by the Alabama Hospital Association and The State Board of Censors of the Alabama Medical Association.

Mr. Walton, Acting Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Chichester:

H. 217. To amend Article 2, Section 6270 of the general acts of Alabama for 1927 by adding subdivision fifty one, and making it read as follows; Article 2, Section 6270 (51) That each and every motor vehicle operated upon the city streets and public highways of Alabama shall keep attached and plainly visible at all times, a license tag as prescribed and furnished by the State Tax Commission, on the front and on the rear of each motor vehicle operated in Alabama; and to provide punishment for failure to comply with this subdivision of this section.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hanks (with notice and proof):

H. 1004. To relieve W. F. Nichols of any and all liability for and on account of loss sustained in the account of the State Demonstration Farm, Sylacauga, Alabama, of money deposited in the First National Bank of Sylacauga, Alabama, when it failed.

ADVERSE REPORT

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the adverse calendar, towit:

By Mr. Toomer:

H. 983. To regulate and to restrict nepotism in the public elementary and high schools of the State and to provide penalties for the failure to observe the regulations established.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 381. To authorize the Judge of Probate, the Tax Assessor and the Tax Collector in all counties which now or may hereafter embrace an area of twelve hundred and fifty (1250) or more square miles, where it is necessary or expedient to the efficient conduct of such offices, to employ more help than is allowed by the provisions of House Bill 324, approved July 10, 1935, when such employment is authorized and approved by the Court of County Commissioners or like governing body of such counties, duly entered on the minutes of such Court.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Quarles:

H. 162. To amend Section 334, Schedule 1, Subsection 31, of the Compiled Revenue Code of Alabama, and the Act approved July 22, 1927, entitled "In reference to and to further provide for the general revenue of the State of Alabama and published as Section 19, at page 160 of the Acts of 1927, as further amended by an act approved July 30, 1931, entitled "An Act to amend Section 19 of the Revenue Act of 1927," which said amendment appears at page 812 of the published General Acts of Alabama of 1931, by exempting from the privilege or license tax for the operation of automotive vehicles imposed by said revenue law all passenger vehicles owned and operated by the Federal Government or by officers and enlisted men actually serving in the United States Army who are assigned by the War Department as Instructors and/or Sergeant-Instructors with the National Guard of Alabama and all commissioned officers of the Active National Guard of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 162, to the Committee on Military.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Staples:

H. 331. A Bill to be Entitled An Act "To submit to the qualified voters of this State, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, for their consideration an amendment to the Constitution of the State empowering the Legislature to authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions

of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county, existing on September 30th, 1936; providing for the adoption of an annual budget for Mobile County; providing that the expenses of such county for any fiscal year shall not exceed the revenues of the county for that year, and providing that all debts contracted or liabilities incurred by the said county in excess of such revenues shall be void; providing that the governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such county for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the county for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the county subsequently collected for that year, and that any loan so made and not paid out of the General Revenues of the county pledged to secure the same shall be void as to any amount remaining unpaid; providing that the Legislature shall not, after the adoption of such amendment, pass any law making any claim a preferred claim against said county, and annulling as to any future claim all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said county: and providing penalties for the violation of any of the provisions of such amendment."

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely: "The Legislature of Alabama may authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, Which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing on September 30th, 1936.

In September 1936, after the adoption of this amendment to the Constitution, the governing body and the County Treasurer of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of the county for the preceding year and said budget must cover current expenses for the year for which the budget is adopted for the fiscal year beginning October 1st, 1936, and the expenses of such fiscal year shall not exceed the revenues of the county for that year. Thereafter, and in

September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of said county for the preceding year, for the succeeding fiscal year beginning October 1st. and the expenses of such county for any such fiscal year shall not exceed the Budget of the county for that year. All debts contracted or liabilities incurred by the said County in excess of such Budget shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five (25%) percent of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such loans to be paid within the fiscal year or from the pledged general revenues of the County subsequently collected for that year, and any loan so made and not paid out of the general revenues of the County pledged to secure the same shall be void as to any amount remaining unpaid. The legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said County, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County, are hereby annulled as to any future claim. The words 'governing body of Mobile County' as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the Board of Revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this amendment shall, upon conviction, be punished by a fine not exceeding \$5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each County in the State at least four successive weeks next preceding the date of the election hereinafter fixed of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the official ballot printed for such election shall be printed the following, namely, "Shall the following be adopted as an Amendment to the Constitution of Alabama."

"The Legislature of Alabama may authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing on September 30th, 1936. In September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of the preceding year for the succeeding fiscal year beginning October 1st and the expenses of such County for any such fiscal year shall not exceed the revenues of the County for that year. All debts contracted or liabilities incurred by the said County in excess of such revenues shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the County subsequently collected for that year, and any loan so made and not paid out of the general revenues of the County pledged to secure the same shall be void as to any amount remaining unpaid. The Legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said County, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County, are hereby annulled as to any future claim. The words "governing body of Mobile County" as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the Board of Revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this amendment shall, upon conviction, be punished by a fine not exceeding \$5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment. "

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the voter shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers for said election shall open the polls for a vote of the qualified electors of the State upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast there at shall be canvassed, tabulated and the returns thereof be made to the Secretary of State, and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate Amendments to the following House bills:

By Mr. Lee (Monroe):

H. 191. To better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95% of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest, payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county

for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this Act shall be effective on and after the first day of October, 1935; and to repeal all laws, except local laws, in conflict with the Act. Provided, the Act shall not apply to Counties having more than 95,000 population.

Also:

By Mr. Calhoun:

H. 973. To provide that all cities in Alabama that now have, or may hereafter have a population of as much as 15,000 and less than 17,500, according to the last Federal Census, or any such census, which may hereafter be taken, shall be known and designated as "Class "D" Cities"; to provide and create a Commission Form of Municipal Government and to establish the same in all Class "D" Cities of Alabama as herein defined; to provide for a City Manager of said Cities, his authority, duties, liability and penalties, term of office and compensation; to abolish the offices of Mayor and aldermen or commissioners, as the case may be, and otherwise provide for the creation and maintenance of said Commission Form of Government and the City Manager form of Government; to provide for the selections and elections of a Chairman and two (2) associate Commissioners in lieu of Mayor and aldermen or commissioners, as the case may be; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act; to provide for the adoption of the Commission Form of Government, with City Manager Government, under the provisions of this Act by an election, of the qualified electors of such City, the manner, method and provisions for the conduct of said elections; canvass of returns and proclamation by the Mayor or other governing authority of said City; To fix the duties, powers and compensation of the Board of Commissioners.

E. F. Taylor,
Clerk

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following bills:

By Mr. Hendley:

H. 515. To provide that any and all salaries, fees, commissions, compensation, funds or money heretofore received, or hereafter received, now, or hereafter in the hands or possession of any executive, Legislative or Judicial officer or any public officer or of any officer holding any civil office of profit under this State or in any County, whether elected or appointed, or his successor in office, or their suc-

cessors in office, or his respective representative or agent, personal representative or successor in interest, affected by or within the operation of the amendment to the Constitution of Alabama, and known as Article 24 of the Constitution of Alabama, and duly ratified the 18th day of July, 1933, and proclaimed ratified on August 2, 1933, by the Governor, after deducting the reasonable expenses of conducting the office of such officer or person be paid to the County and to the credit of the general funds of the county in which such officer or person is now or has been performing or discharging his official duties, or be paid into the general funds of the State of Alabama in case such officer or person is now or has been performing or discharging his official duties for the State of Alabama and for no particular county; to make a full and detailed accounting of such reasonable expense of conducting such office; to provide for a penalty for failure to make such accountings of the reasonable expense of conducting such office, and to make the sureties on the official bonds liable for said funds and for all of the penalties, and to provide for the procedure of collecting such funds from such officers; and to declare any officer who neglects or fails to make the full and detailed accounting of such reasonable expense of conducting his said office, to be guilty of a misdemeanor, and to provide for the punishment thereof; to define the annual term or year for or during which the limitation of \$6,000.00 provided for in said Constitutional Amendment, and the remaining portion of the terms thereof.

Also:

By Mr. McPhaul:

H. 373. To Revise and Amend "An Act to Revise and Amend Chapter 224 of the Code of 1907", approved September 29, 1923.

Also:

By Mr. Taylor:

H. 432. To amend Section 7 of an Act entitled, 'An Act to give effect to the amendment to Section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws passed by the Legislature, to engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars"; continuing the authority granted the State of Alabama in Chapter 44, Article 4, of the Code of 1923, to engage in the work of internal improvement of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issue and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten mil-

lion dollars; to prescribe the powers and authority of the State in respect to said development; continuing an agency of the State known as the State Docks Commission, preserving the terms of office of the existing members of the State Docks Commission, providing for the election, subject to confirmation by the Senate, and/or the Governor, of members of the State Docks Commission, including the participation by the Governor in the election of members of the Commission under certain circumstances provided; to provide for the management and control of all of said operations by said agency; to prescribe and define the powers, duties and jurisdiction of such agency, including, among other things, the leasing of real estate within the boundaries of the State Docks area and exempting from State, County and municipal taxation structures and improvements as well as all permanent facilities erected, installed or located, within said boundaries, by lessees, their successors or assigns, for the period stipulated in such leases, and including the exercise of the power of eminent domain, and, among other things, to make rules and regulations concerning the licensing and disciplining of pilots, fixing pilotage fees, promulgating rules and regulations for the operation and maintenance of any seaport or harbor within the State, preventing and penalizing obstruction of any harbor or seaport, providing suitable penalties for the violation of any rule or regulation established by said Commission under the authority of this Act; to confer upon said agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority, and for the use of its facilities acquired or constructed under authority of this Act, to require all persons and corporations rendering like services or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to establish harbor lines and to grant licenses to riparian owners to erect aids to navigation; to regulate generally the acquisition, construction, development and operation by the State of harbor improvements; including, among other things, all kinds of terminal facilities at seaports; to repeal all laws in conflict with this Act, and expressly repealing the following sections of the Code of 1923, viz: Sections 2427 to 2517, both inclusive. Approved January 17, 1927.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the House amendment to the following Senate bill:

By Mr. Woodall:

S. 385. To provide for the publication of a Code of Alabama and to provide for the appointing of a committee to contract for the compilation, codification, annotating, indexing, printing, binding, and distributing of the public statutes of the State of Alabama of a general and permanent nature, and to provide for necessary appropriations therefor.

And the Speaker of the House has appointed as conferees on the part of the House Messrs. Welch, Lusk and Shaver.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following bill:

By Mr. Dominick:

H. 871. To create a Board to be known as the "State Board of Adjustment"; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor.

And requests Committee of Conference. The Speaker of the House has named as conferees on the part of the House Messrs. Jones, Shaver and Dominick.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kelly, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 871, the title of which is set out in the foregoing Message from the House, and the President of the Senate appointed as Committee on part of the Senate Messrs. Kelly, Tucker and Simpson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following bill:

By Mr. Hare:

H. 856. To relieve Tax Assessors in all Counties in Alabama which now have, or which may hereafter have a population of not less than fifty-four thousand and not more than sixty four thousand two hundred according to the last Federal Census, or

any such census which may be taken hereafter, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as a permanent record and prepare Tax Collectors Abstracts from said assessment lists.

And requests Committee of Conference. The Speaker of the House has appointed as conferees on the part of the House Messrs. Dominick, Coleman and Hare.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Russell, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 856, the title of which is set out in the foregoing Message from the House, and the President of the Senate appointed as committee on part of the Senate Messrs. Russell and Fletcher.

RESOLUTIONS

The Rules Committee reported the following Joint Resolution:

S. J. R. 119. RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Tuesday, September 10, at ten A. M.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

Mr. Fletcher offered the following Senate Resolution:

S. R. 120. Whereas the Senate has heard with extreme regret that Dr. L. A. Weaver, who represents Lauderdale and Limestone Counties in this body, has suffered an automobile accident temporarily disabling him and causing his absence from the meetings of the Senate, and

Whereas the Senate has learned to respect the wisdom and sagacity; to enjoy the grace, good humor and urbanity of its member from Lauderdale and contemplates the loss of his services here as a distinct injury to the State, therefore

Be it resolved that the Senate extend to Senator Weaver its sympathy at the unfortunate accident which has temporarily disabled him and has deprived the Senate and the State of the benefit of his counsel and guidance.

And on motion of Mr. Fletcher, the rules were suspended and the Resolution adopted.

Mr. Browder offered the following Joint Resolution:

S. J. R. 121. Ratifying a proposed amendment to the Constitution of the United States of America.

WHEREAS, both Houses of the 68th Congress of the United States of America by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in words to-wit:

"Joint Resolution proposing an amendment to the Constitution of the United States.

1st. RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following Article is proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

Section 1. The Congress shall have power to limit, regulate and prohibit the labor of persons under eighteen years of age.

Section 2. The power of the several States is unimpaired by the Article except that the operation of State laws shall be suspended to the extent necessary to give effect to Legislation enacted by the Congress."

THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA:

Section 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the Legislature of the State of Alabama.

Section 2. That certified copies of this preamble and Joint Resolution be forwarded by the Governor of this State to the Secretary of State in Washington, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

Which was read and referred to the Standing Committee on Rules.

Mr. Taylor offered the following Senate Resolution:

S. R. 122. BE IT RESOLVED by the Senate that the Governor HON. BIBB GRAVES, is hereby requested to include in his call for an extra-session of the Legislature, should there be, an investigation looking to the conservation of the growing timber of our State that is now being destroyed by the millions of small trees by the paper mills and saw mills. With request that copy of this resolution be sent to the Governor.

And on motion of Mr. Taylor, the Rules were suspended and the Resolution adopted.

Mr. Taylor also offered the following Senate Resolution:

S. R. 123. BE IT RESOLVED BY THE SENATE that the Governor, HON. BIBB GRAVES, be requested to include in his call for an extra-session of the Legislature, should there be, the consideration of the State owning, buying, building and operating

a cement plant to be operated by convicts, thereby building permanent cement roads instead of other substitutes—with request that a copy of this resolution be sent to the Governor.

And on Motion of Mr. Taylor the Rules were suspended and the Resolution adopted.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Russell, further consideration of the bill:

S. 423. To provide for additional duties and additional compensation to members of the Courts of County Revenues, Commissioners Courts and Boards of Revenue in all counties in the State of Alabama where the taxable property in the county is now or hereafter may be assessed for at least \$16,000,000.00 except as provided by local legislation.

Was indefinitely postponed by the Senate.

On motion of Mr. Starnes, further consideration of the bill:

S. 213. To amend Sections 7542, 7543, 7547, 7548, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7566, 7567, 7568, 7584, 7586, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Was indefinitely postponed by the Senate.

On motion of Mr. Browder, further consideration of the bill:

S. 408. To provide plans of apportionment and distribution of school funds by county boards of education to boards of education of independent cities in the county.

Was indefinitely postponed by the Senate.

On motion of Mr. Riddle, further consideration of the bill:

S. 374. Authorizing the state and counties, cities, incorporated towns, municipal corporations, authorities, commissions, boards, districts, subdivisions, agencies, and instrumentalities and departments, boards and agencies of the state to acquire property by the exercise of the power of eminent domain for public works projects financed in whole or in part by such public bodies or by the United States of America; authorizing the exercise of such power of eminent domain and the conveyance of property acquired thereby for the purpose of aiding public works projects being undertaken by the United States of America; providing for the exercise of such power of eminent domain and for the taking of property for all such purposes and for the procedure thereof; providing for the payment and recovery of awards made for property taken, injured or destroyed; and for other purposes.

Was indefinitely postponed by the Senate.

BILLS ON THIRD READING

The bill:

H. 739. To provide for the unification of the fiscal administration of Jefferson County; to create the office of County Comptroller of Jefferson County and provide the method of his selection; to define the duties and authority of such officer; to transfer to him the duties heretofore fixed by law for performance by the County Treasurer, the Tax Assessor, the Tax Collector and the Commissioner of Licenses of Jefferson County; to require said County Comptroller to perform certain duties now devolving upon the Probate Judge of Jefferson County; to abolish the offices of County Treasurer, Tax Collector, Tax Assessor and Commissioner of Licenses of Jefferson County; to provide for a deputy County Comptroller at Bessemer; to provide said County Comptroller with necessary deputies, clerks and assistants; to provide for the oath of office and bond of said County Comptroller; to provide said County Comptroller with quarters and supplies and modern office equipment; to fix the compensation of said County Comptroller; and to provide for the continued employment of certain officers duly elected by the people.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Riddle	Swift
Browder	Kelly	Rogers (Mobile)	Taylor
Carlton	Locke	Russell	Thomas
Cook	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walden
Fletcher	McDowell	Stephens	Wellborn
Glover	Parrish		

—26

Nays:—None.

The bill: H. 756.

A BILL

To be entitled An Act to submit to the qualified voters of the State at the _____ election to be held on _____ for their consideration, an amendment to the Constitution of the State of Alabama, to be known as Section Two and Section Three of Amendment Number II, so as to authorize and empower the Legislature from time to time by general or local laws to change, merge, alter consolidate, or abolish county officers or the functions of office in Jefferson County, and to authorize the Legislature to create new or different officers to perform the services hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolish-

ed, and to authorize the Legislature by general or local laws to revise and change the existing laws relating to the assessment or collection of taxes or other revenue in Jefferson County.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely:

"Amendment to Constitution by the Addition of Sections Two and Three to Amendment Number II:

(2) The Legislature of Alabama may hereafter from time to time by general or local laws change, merge, alter, consolidate, or abolish county officers or the functions of office in Jefferson County, and the Legislature may create new or different officers to perform the services hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolished.

(3) And the Legislature by general or local laws may revise and change the existing laws relating to the assessment or collection of taxes or other revenues in Jefferson County.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the state at least eight successive weeks next preceding the general election in November, 1936 of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That on _____ an election shall be held for the vote of the qualified electors of the State upon the proposed amendment. Upon the ballots used at such election shall be printed the following, namely:

"Amendment to Constitution by the Addition of Sections Two and Three to Amendment Number II.

(2) The Legislature of Alabama may hereafter from time to time by general or local laws change, merge, alter, consolidate or abolish county officers or the functions of office in Jefferson County, and the Legislature may create new or different officers to perform the services hitherto performed by these officers or offices which may have been changed, merged, altered, consolidated, or abolished.

(3) And the Legislature by general or local laws may revise and change the existing laws relating to the assessment or collection of revenue in Jefferson County for the purpose of increasing the efficiency or lowering the cost of such collections."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed

the word "No". The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire.

Section 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast there at shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

Was taken up.

Mr. Simpson offered the following substitute for said bill to-wit:

Substitute for H. 756:

A BILL

To be entitled An Act to submit to the qualified voters of the State at the next general election to be held on first Tuesday after the first Monday in November, 1936, for their consideration, an amendment to the Constitution of the State of Alabama, to be known as Section Two and Section Three of Amendment Number II, so as to authorize and empower the Legislature from time to time by general or local laws to change, merge, alter, consolidate, or abolish county officers or the functions of office in Jefferson County, and to authorize the Legislature to create new or different officers to perform the services hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolished, and to authorize the Legislature by general or local laws to revise and change the existing laws relating to the assessment or collection of taxes or other revenue in Jefferson County.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely:

"Amendment to Constitution by the Addition of Section Two and Three to Amendment Number II:

(2) The Legislature of Alabama may from time to time by general or local laws change, merge, alter, consolidate, or abolish county officers or the functions of office in Jefferson County, ex-

cept Probate Judge and Sheriff and may change, modify or transfer their duties except those conferred by the Constitution of Alabama, and the Legislature may create new or different officers to perform the services hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolished.

(3) And the Legislature by general or local laws may revise and change the existing laws relating to the assessment or collection of revenue in Jefferson County for the purpose of increasing the efficiency or lowering the cost of such collections."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding the general election in November, 1936 of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election held on first Tuesday after the first Monday in November, 1936, the foregoing amendment shall be submitted to the qualified electors of the State. Upon the ballots used at such election shall be printed the following, namely:

"Amendment to Constitution by the Addition of Sections Two and Three to Amendment Number II:

(2) The Legislature of Alabama may from time to time by general or local laws change, merge, alter, consolidate or abolish county officers or the functions of office in Jefferson County, except Probate Judge and Sheriff and may change, modify or transfer their duties except those conferred by the Constitution of Alabama, and the Legislature may create new or different officers to perform the services hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolished.

(3) And the Legislature by general or local laws may revise and change the existing laws relating to the assessment or collection of revenue in Jefferson County for the purpose of increasing the efficiency or lowering the cost of such collections."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire.

Section 4. The officers of such general election shall conduct a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be can-

vassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Taylor
Browder	Goldsmith	Rogers (Mobile)	Tucker
Carlton	Kuykendall	Russell	Walden
Chesnut	Locke	Simpson	Walton
Cook	Mixon	Starnes	Wellborn
Dorsey	Mooneyham	Stephens	Woodall
Fletcher	McDowell	Swift	

—27

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Riddle	Taylor
Browder	Kuykendall	Rogers (Mobile)	Tucker
Carlton	Locke	Russell	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Starnes	Wellborn
Dorsey	McDowell	Stephens	Woodall
Glover	Parrish	Swift	

—27

Nays:—None.

The bill:

H. 1007. To authorize the Town of Ashland, Alabama, to acquire all of the assets of the Ashland Railway Company, or to acquire the capital stock, or the majority of the capital stock, thereof; to maintain and operate said railroad; to provide for an election to determine whether said town shall acquire such property and to provide for the payment thereof and the payment of maintenance and operation thereof.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Chesnut	Glover	Kelly
Carlton	Dorsey	Goldsmith	Kuykendall

Locke
Mixon
Mooneyham
McDowell
Parrish

Riddle
Rogers (Mobile)
Russell
Simpson
Starnes

Stephens
Swift
Taylor
Thomas

Tucker
Walden
Walton
Woodall

—26

Nays:—None.

The bill:

H. 1014. To establish a Board of Revenue for Houston County, and to abolish the Court of County Commissioners; to fix the salaries of said Board, manner of payment, term of office and time of election of members thereof; to divide said county into three districts; to provide for the election of their successors in office, and the duties of the Judge of Probate with reference to said Board; To employ, discharge and fix the salary of the Road and Bridge Foreman; to provide that the Road and Bridge Foreman shall with the approval of the Board of Revenue employ and fix the compensation of agents, his assistants, overseers, workmen and laborers required for said work, and shall with the counsel, assistance and approval of said Board of Revenue purchase all necessary road material, machinery, teams, tools, supplies and equipment; to repeal all laws in conflict herewith and to fix qualifications of members of the Board of Revenue.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Chesnut
Cook
Fletcher
Glover
Kelly

Kuykendall
Locke
Mixon
Mooneyham
McDowell
Parrish
Riddle

Rogers (Mobile)
Russell
Simpson
Starnes
Stephens
Swift

Taylor
Thomas
Walden
Walton
Wellborn
Woodall

—26

Nays:—None.

The bill:

H. 1013. To create and establish Road and Bridge Department, and Road and Bridge Foreman, for Houston County, and to abolish County Road Foreman; fix the duties, salary, manner of payment of said Foreman; fix requirement of Foreman to give bond on entering work as Foreman; provide for place for office of Road and Bridge Department and set out who shall have control over said Department; further to provide for necessary means and transportation of Foreman in carrying out his work; How Road and Bridge Foreman is employed and the duration and term of his office.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Taylor
Browder	Locke	Russell	Thomas
Chesnut	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walden
Fletcher	McDowell	Stephens	Walton
Glover	Parrish	Swift	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

S. 431. To create the office of Supervisor of Roads and Bridges for Calhoun County, Alabama, and to prescribe his qualifications and duties and fix his salary and provide for method of his election and appointment.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 26; Nays. 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Thomas
Chesnut	Mixon	Simpson	Tucker
Cook	Mooneyham	Starnes	Walden
Dorsey	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 76. To make a conditional appropriation for the acquisition of lands to be developed as forests and parks to enable the State to cooperate effectively with the United States Government in its recovery program in Alabama, and to make provision for repayment of said appropriation into the general fund.

Also:

H. 100. To amend Sections 3886, 3887, 3888 and 3889 of Chapter 122 of the Code of Alabama of 1923.

Also:

H. 191. To better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their

power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purpose of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95% of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest, payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the County for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this Act shall be effective on and after the first day of October, 1935; and to repeal all laws except local laws, in conflict with the Act. Provided, the Act shall not apply to counties having more than 95,000 population.

Also:

H. 268. To authorize and provide for the payment of the sum of Two Hundred Ten Dollars (\$210.00) for the relief of Mrs. Mary McG. Kelly of Wilcox County, Alabama who was entitled to an increase in pension for the April 1st 1933 quarter, had she filed her reclassification pension application when she reached the age of Eighty years.

Also:

H. 373. To Revise and Amend "An Act to Revise and Amend Chapter 224 of the Code of 1907," approved September 29, 1923.

Also:

H. 432. To amend Section 7 of an Act entitled: An Act To give effect to the amendment to Section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws passed by the Legislature, to engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars"; continuing the authority granted the State of Alabama in Chapter 44, Article 4, of the Code of 1923, to engage in the work of internal improvement of promoting, developing, constructing, maintaining and operating all harbors or seaports within

the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issue and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State in respect to said development; continuing an agency of the State known as the State Docks Commission, preserving the terms of office of the existing members of the State Docks Commission, providing for the election, subject to confirmation by the Senate, and/or the Governor, of members of the State Docks Commission, including the participation by the Governor in the election of members of the Commission under certain circumstances provided; to provide for the management and control of all of said operations by said agency; to prescribe and define the powers, duties and jurisdiction of such agency, including, among other things, the leasing of real estate within the boundaries of the State Docks area and exempting from State, County and municipal taxation structures and improvements as well as all permanent facilities erected, installed or located, within said boundaries, by lessees, their successors or assigns, for the period stipulated in such leases, and including the exercise of the power of eminent domain, and, among other things, to make rules and regulations concerning the licensing and disciplining of pilots, fixing pilotage fees, promulgating rules and regulations for the operation and maintenance of any seaport or harbor within the State, preventing and penalizing obstruction of any harbor or seaport, providing suitable penalties for the violation of any rule or regulation established by said Commission under the authority of this Act; to confer upon said agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority, and for the use of its facilities acquired or constructed under authority of this Act, to require all persons and corporations rendering like services or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to establish harbor lines and to grant licenses to riparian owners to erect aids to navigation; to regulate generally the acquisition, construction, development and operation by the State of harbor improvements; including, among other things, all kinds of terminal facilities at seaports; to repeal all laws in conflict with this Act, and expressly repealing the following sections of the Code of 1923, viz: Section 2427 to 2517, both inclusive. Approved January 17, 1927.

Also:

H. 491. To amend Sections II, III, V, and VI of an Act entitled "An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, ac-

cording to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof, "which became a law July 24, 1931, under Section 125 of the Constitution.

Also:

H. 496. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Also:

H. 515. To provide that any and all salaries, fees, commissions, compensation, funds or money heretofore received, or hereafter received, now, or hereafter in the hands or possession of any executive, legislative or judicial officer or any public officer, or of any officer holding any civil office of profit under this State or in any county, whether elected or appointed, or his successor in office, or their successors in office, or his respective representative or agent, personal representative or successor in interest, affected by or within the operation of the Amendment to The Constitution of Alabama, and known as Article 24 of the Constitution of Alabama, and duly ratified the 18th day of July, 1933, and proclaimed ratified on August 2, 1933, by the Governor, after deducting the reasonable expenses of conducting the office of such officer or person be paid to the county and to the credit of the general funds of the county in which such officer or person is now or has been performing or discharging his official duties, or be paid into the general funds of the State of Alabama, in case such officer or person is now or has been performing or discharging his official duties for the State of Alabama and for no particular County; to make a full and detailed accounting of such reasonable expenses of conducting such office; to provide for a penalty for failure to make such accountings of the reasonable expense of conducting such office, and to make the sureties on the official bonds liable for said funds and for all of the penalties, and to provide for the procedure of collecting such funds from such officers; and to declare any officer who neglects or fails to make the full and detailed accounting of such reasonable expense of conducting his said office, to be guilty of a misdemeanor, and to provide for the punishment thereof; to define the annual term or year for or during which the limitation of \$6,000.00 provided for in said constitutional amendment, and the remaining portion of the terms thereof.

Also:

H. 518. To create in all cities of the State of Alabama, which have a population of as much as two hundred thousand people according to the last Federal Census, or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund

in connection with the regularly organized and paid fire departments of such cities; to provide for the organization of such board of trustees; to designate certain members of the said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to continue as trustees the members of such board as now exist under existing laws during the terms for which they have been elected, same to be trustees under this act in their respective cities which are governed by this act and where this law applies; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department and the widows, minor children and dependent widowed mothers of such disabled and retired members; and to continue benefits and relief under this law to such as are receiving same under existing laws in such cities as are governed by this law; to declare the said Board of Trustees the trustees of such fund, to provide for the use, management and control of such fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into such funds of the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for sworn statements to be made to the Treasurer or Comptroller of such cities by all persons, firms or corporations which conduct a fire insurance agency or brokerage business within such cities, and to prescribe the penalty for failure to make and file such statements, and for enforcing such penalty; to provide for the payment into such fund dues to be collected from property owners who carry no fire insurance but who carry or set aside a reserve fund against loss or damage by fire or who carry insurance in or with fire insurance companies not authorized to do business in the State of Alabama, to provide for verified statements to be made by such property owners to the Commissioner of Insurance, to provide for the collection of such dues, and to prescribe the penalty for failure to make such payment and/or verified statement, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize, and empower such cities to pay into such fund a part of the revenue received from licenses issued by such cities; to transfer and convert into the respective Firemen's Pension and

Relief funds as created and provided in this Act the respective funds and moneys and properties constituting Firemen's Pension and Relief funds as are existing respectively under existing laws in Alabama in the cities which shall come under and be governed by the provisions of this Act; and to provide for the administration and use of same; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment of One Hundred (\$100.00) Dollars out of such funds, upon the death of an active or retired member of such fire department, to the beneficiary of such deceased member; to provide for fixing the status of paid members of the fire department of any City, Town, Suburb, or Settlement which may be annexed or become a part of Cities which shall come under and be governed by the provisions of this Act, relative to the retention of such paid members, and the granting of pensions and relief privileges to them; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the City Attorney and City Physician in connection with the said Board of Trustees and the said fund; to provide for medical examination and diagnosis of the physical or mental condition of sick or disabled members of such fire department; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits of said fund from levy; to provide the time of taking effect of this Act.

Also:

H. 542. To amend subdivision 2 of Section 9896 of the Code of Alabama, 1923, as amended by an act entitled, "An Act to amend paragraphs (f) and (g) of Section 9879 and Section 9880 of the Code of Alabama, 1923, as amended by an Act entitled, 'An Act to amend Section 9879 and 9880 of the Code of Alabama, 1923' approved by the Governor, September 9th, 1927; also to amend Sections 9878, 9885, 9887, 9890, 9891, 9892, 9896, 9899, and 5402 of the Code of Alabama, 1923; and to provide for the registration of securities, dealers in and salesmen of securities and the regulation, supervision, suspension, cancellation and revocation thereof; and to fix penalties and to provide remedies for the violation of this act; and to provide for the protection of the public (purchasers and holders of securities) by injunction, receivership and other equitable remedies at the instance of the State of Alabama." Approved by the Governor, July 28th, 1931 (General Acts of Alabama, 1931, pages 783-801).

Also:

H. 578. To amend sections 2, 3 and 5 of an Act, entitled an Act, to create the office of County Road Supervisor for Henry

County, Alabama, (H. 536) approved November 4th 1932, so as to further regulate and prescribe the powers, authority and duties of said Road Supervisor; to further prescribe the manner or mode of his election and/or appointment; and the election and/or appointment of his successor; to further prescribe and fix his term of office and to fix his salary; and to fix penalties for the violation of this Act.

Also:

H. 581. To repeal an act entitled "An Act to authorize the trustee in and for the Sixteenth Section in Township 17 South, Range 5 West of Huntsville Meridian in Jefferson County, Alabama, to sell said Sixteenth Section and to accept in payment therefor other or different land of equal monetary value, in said Township: provided, first, the sale negotiated by said trustee is confirmed by the Circuit Court of Jefferson County, Alabama, in Equity, after said court has ascertained the substantial equality of the respective monetary values of each tract; and provided further, that the existing lessee of said Sixteenth Section consent in writing to surrender all their rights, title and interests as lessees or otherwise in and to said Sixteenth Section, or consents to take in substitution for their existing rights as lessees a lease to such other or different land, in said Township; and to substitute as the corpus of the trust estate under said trustee, such other or different land as is acquired by said trustee in exchange for said Sixteenth Section." Approved August 12, 1927.

Also:

H. 625. To make an appropriation for the support, maintenance and improvement of the Alabama Vocational School for Girls.

Also:

H. 629. To amend an Act entitled "An Act To Vest The Circuit Court, Or Court Of Like Jurisdiction, With Power to Authorize A Married Person Whose Spouse Is Insane, To Dispose Of Any Or All Interests Owned In Real Estate As If Single," approved April 19, 1933, so as to read as follows: "An Act To Vest The Circuit Court, Of Court Of Like Jurisdiction, With Power To Authorize A Married Person Whose Spouse Is Insane, To Sell, Convey, Mortgage, Or Otherwise Dispose Of Any Or All Interests Owned In Real Estate, Not Including A Homestead, As If Single."

Also:

H. 651. To authorize any bank, trust company, bank and trust company, banking association, stock savings bank or mutual savings bank now or hereafter organized under the laws of this State or the conservator, receiver or liquidator thereof, to enter into such contracts, incur such obligations and generally to do such cast as may be appropriate or necessary to take advantage of any and

all memberships, loans, subscriptions, contracts, grants, rights or privileges which may, at any time, be available or enure to said banking institutions or their depositors or stockholders, or their conservators, liquidators, or receivers, by virtue of any Act or Resolution of the Congress of the United States to aid, regulate or safeguard banking institutions and depositors, including the Act creating the Federal Deposit Insurance Corporation; to empower any such banking institution to subscribe to and acquire any stock or debentures or bonds or other types of securities of said Corporation and to comply with its regulations and requirements; to authorize the appointment of the Federal Deposit Insurance Corporation as receiver or liquidator of any such insured closed banking institution, and to authorize said Corporation to do any and all things appropriate in the sale or acquirement of the assets of such institutions and in the liquidation of same; to make loans to same and to its receivers and liquidators and the State Superintendent of Banks therefor; to provide for the subrogation of said Corporation to the rights against said closed institutions of all insured depositors, whose deposits have been paid, or for the payment of which funds have been available; to recognize the right of said Corporation to make examinations of and to require reports from such institution, and the State Superintendent of Banks to accept same in lieu of any examination or report authorized to be made to said official; to provide for disclosure by said State Superintendent of Banks to said Corporation and to the Federal Reserve Board and the Reconstruction Finance Corporation, or either or any of them, of the condition and affairs of such insured institution and access to information regarding same; to provide for the vesting of title in said Corporation of assets of such closed institutions.

To exempt banking institutions from furnishing security for any deposits to the extent such deposits are insured under Section 12B of the Federal Reserve Act, as amended."

Also:

H. 773. To allow the Register in Chancery of the Circuit Court of Etowah County, Alabama, a clerk; to provide for the appointment and tenure of office of said clerk; to fix the salary of said clerk and to make the same payable out of the general funds of Etowah County in monthly installments.

Also:

H. 827. For the further promotion of the vocational rehabilitation, physical restoration, care and treatment of crippled individuals, and for the promotion of the vocational rehabilitation of persons physically disabled in industry or otherwise and for their return to civil employment, and to provide for its administration.

Also:

H. 829. For providing medical, surgical, corrective and other services, care and treatment, and facilities for diagnosis, hospitalization, and after-care for children who are crippled or who are suffering from conditions which lead to crippling, and to provide for its administration.

Also:

H. 866. To relieve all persons of any legal obligations to work on public roads in Tallapoosa County, Alabama, or pay any money in lieu of such legal obligations, to work on the public roads in Tallapoosa County, Alabama.

Also:

H. 883. To amend Sections 1 and 2 of an act approved July 17, 1931, entitled an act.

To provide and require that the Sheriff of Tallapoosa County, Alabama, shall appoint and maintain a regular Deputy Sheriff at each of the following places in said county, to-wit: Dadeville, Alexander City and Tallassee. To prescribe the duties of such deputies and to provide for their compensation and the payment thereof by said county, and to fix the amount of such compensation.

Also:

H. 894. To provide for State planning of all public work and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State; all local improvements which, under the statutes, are required to be submitted to State authorities; also all projects of state magnitude, even though the construction and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the commission under the provisions of this Act.

Also:

H. 936. To Amend Schedule 67 of Article 13 Chapter 1 Section 348 of House Bill 324 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10th, 1935.

Also:

H. 937. To amend Schedule 155.4 of Section 348 of Article 13 Chapter 3 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10th, 1935.

Also:

H. 942. To provide for and authorize the closing of the county offices in court houses at twelve o'clock (noon), one day during each week, in counties having a population of not less than sixty thousand (60,000), nor more than sixty five thousand (65,000), ac-

cording to the last Federal census; and to authorize the boards of revenue, or like governing bodies, of such counties to designate and determine the day during each week when such offices may be closed.

Also:

H. 950. To amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 2377 of the Code of Alabama of 1923,' approved July 22, 1931," approved March 15, 1933.

Also:

H. 969. To require fifteen percent of the total funds received by Cherokee County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels, to be used for the purpose of paying interest on and establishing a sinking fund for the retirement of the \$95,000.00 in bonds of said county, issued for the purpose of constructing public roads in said county, authorized by an election held on April 2, 1923, requiring the county treasurer of said county to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof, with said funds, providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels, shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect.

Also:

H. 970. To relieve the Tax Assessor of Cherokee County from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order, according to beats, the original assessment lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

Also:

H. 973. To provide that all Cities in Alabama that now have, or may hereafter have a population of as much as 15,000 and less than 17,500, according to the last Federal Census, or any such census, which may hereafter be taken, shall be known and designated as "Class 'D' Cities"; to provide and create a Commission Form of Municipal Government and to establish the same in all Class "D" Cities of Alabama as herein defined; to provide for a City Manager of said Cities, his authority, duties, liability and penalties, term of office and compensation; to abolish the offices of Mayor and aldermen or commissioners, as the case may be, and otherwise provide for the creation and maintenance of said Commission Form of Government and the City Manager form of Government; to provide for the selections and election of a Chairman and two (2) associate Commissioners in lieu of Mayor and alder-

men or commissioners, as the case may be; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act; to provide for the adoption of the Commission Form of Government, with City Manager Government, under the provisions of this Act by an election, of the qualified electors of such City, manner, method and provisions for the conduct of said elections; canvass of returns and proclamation by the Mayor or other governing authority of said City; To fix the duties, powers and compensation of the Board of Commissioners.

Also:

H. 974. To Provide for the appointment of a Special Court Reporter for the Taking Down and Transcribing of Testimony taken ore tenus in Equity Cases in the Circuit Court in Judicial Circuits in the State of Alabama which do not Include more Counties than one, and when that County has a Population of 300,000 or more, according to the last or any future Federal Census; to Provide for his Tenure of Office, his Duties, and his Compensation; and to Further Provide for the Cost of his Services to be Taxed as a Part of the Costs of Court, and when Collected to be Paid by the Register in Chancery to such Special Court Reporter.

Also:

H. 241. To appropriate the monies now in the Treasury to the credit of the Royalties and Rentals Federal Mining Leases Fund, and to provide for the disposition of future receipts from the Federal Government.

Also:

H. 978. To provide for the appointment of an Assistant to the Deputy Clerk in charge of the Criminal Division of the Circuit Court of Mobile County. To prescribe the duties and fix the compensation and salary of such Assistant Clerk.

Also:

H. 892. For The Relief of F. W. McLane, Of Talladega County, Alabama.

Also:

H. 988. To relieve all persons in Bibb County, Alabama, of and from any and all legal obligation to work on the public roads in Bibb County, Alabama and to prohibit the levying and collection of a per capita road tax in Bibb County, Alabama.

Also:

H. 1000. To authorize and direct the Board of Revenue of Tuscaloosa County, Alabama, to pay for advertising the notice and substance of local bills, to be introduced in the Legislature for said County, out of any money in the Treasury of Tuscaloosa County not otherwise appropriated, when the bill applies to the entire county and the notice is signed by all the Tuscaloosa County Representatives and also by the State Senator from the Eleventh

Senatorial District, and this act shall apply to and include the notice and substance of Bills advertised prior to and during the present session of the Legislature.

Also:

H. 1034. To authorize and provide for the payment of the sum of Seventy-seven Dollars (\$77.00) for the relief of Eddie McCrory of Greenville, Alabama, who was injured on the 15th day of November, 1934 while acting in his line of duty as a deputy sheriff of Butler County, Alabama.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 331. "To submit to the Qualified Voters of this State, at an election to be held on the first Tuesday after expiration of three months after the final adjournment of the present session of the Legislature of Alabama, for their consideration an amendment to the Constitution of the State empowering the Legislature to authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provisions or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county, existing on September 30th, 1936; providing for the adoption of an annual budget for Mobile County; providing that the expenses of such county for any fiscal year shall not exceed the revenues of the county for that year, and providing that all debts contracted or liabilities incurred by the said county in excess of such revenues shall be void; providing that the Governing Body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such county for the preceding fiscal year,

and pledge to secure the payment thereof the general revenues of the county for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the county subsequently collected for that year, and that any loan so made and not paid out of the general revenues of the county pledged to secure the same shall be void as to any amount remaining unpaid; providing that the Legislature shall not, after the adoption of such amendment, pass any law making any claim a preferred claim against said county, and annulling as to any future claim all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said county: and providing penalties for the violation of any of the provisions of such amendment."

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely: "The Legislature of Alabama may authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00 which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing on September 30th, 1936. In September 1936, after the adoption of this amendment to the Constitution, the governing body and the County Treasurer of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of the county for the preceding year and said Budget must cover current expenses for the year for which the Budget is adopted for the fiscal year beginning October 1st, 1936, and the expenses of such fiscal year shall not exceed the revenues of the county for that year. Thereafter, and in September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of said county for the preceding year, for the succeeding fiscal year beginning October 1st. and the expenses of such county for any such fiscal year shall not exceed the Budget of the county for that year. All debts contracted or liabilities incurred by the said County in excess of such Budget shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five (25%) percent of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such

loans to be paid within that fiscal year or from the pledged general revenues of the County subsequently collected for that year, and any loan so made and not paid out of the general revenues of the County pledged to secure the same shall be void as to any amount remaining unpaid. The legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said County, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County, are hereby annulled as to any future claim. The words 'governing body of Mobile County' as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the Board of Revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this amendment shall, upon conviction, be punished by a fine not exceeding \$5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each County in the State at least four successive weeks next preceding the date of the election hereinafter fixed, of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the official ballot printed for such election shall be printed the following, namely, "Shall the following be adopted as an Amendment to the Constitution of Alabama." "The Legislature of Alabama may authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing on September 30th, 1936. In September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of the preceding year for the succeeding fiscal

year beginning October 1st and the expenses of such County for any such fiscal year shall not exceed the revenues of the County for that year. All debts contracted or liabilities incurred by the said County in excess of such revenues shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the County subsequently collected for that year, and any loan so made and not paid out of the general revenues of the County pledged to secure the same shall be void as to any amount remaining unpaid. The Legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said County, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County, are hereby annulled as to any future claim. The words "governing body of Mobile County" as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the Board of Revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this amendment shall, upon conviction, be punished by a fine not exceeding \$5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment." Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." the choice of the voter shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers for said election shall open the polls for a vote of the qualified electors of the State upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast there at shall be canvassed, tabulated and the returns thereof be made to the Secretary of State, and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Also:

H. 967. To submit to the qualified voters of the State of Alabama, at an election to be held when the first general election on any question is submitted to the legal voters of Alabama, but said election not to be held within three months from and after the final adjournment of the present regular session of the 1935 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Calhoun and Tuscaloosa; and, whereby all Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable or purporting to be applicable to any or all of said Counties, and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in the following named counties; Calhoun and Tuscaloosa. All Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix the compensation of said named county officers, on a salary basis, are hereby validated and confirmed."

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least eight successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters

of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held when the first general election on any question is submitted to the legal voters of Alabama, but said election not to be held within three months from and after the final adjournment of the present regular session of the 1935 Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? 'The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commission, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation or consolidate any of said offices in the following named counties: Calhoun and Tuscaloosa. All Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix, the compensation of said named county officers, on a salary basis, are hereby validated and confirmed.' Yes———. No———." The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Also:

H. 408. To propose an amendment to Section 229 of the Constitution of Alabama to be known and designated as Article ——— thereof, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on

the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 229 of the Constitution of the State of Alabama to be known and designated as Article ——— thereof is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a Franchise Tax by corporation organized under the laws of this State which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations, or Federal Savings and Loan Associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended, or building and loan associations organized under or authorized to do business by the laws of Alabama, shall not be required to pay such a tax on their withdrawable or repurchasable share. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, viz: "Shall the following be adopted as an amendment to Section 229 of the Constitution of Alabama? 'Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may

be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the Laws of this State, which shall be in proportion to the amount of capital stock; but strictly benevolent, education or religious corporations, or Federal Savings and Loan Associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended or building and loan associations organized under or authorized to do business by the laws of Alabama, shall not be required to pay such a tax on their withdrawable or repurchasable share. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified."

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and return thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. Taylor:

H. 913. To create and provide for and regulate a Department of Labor in the State of Alabama, to prescribe its authority and jurisdiction, and provide for a Commissioner of Labor and fix his salary and define his duties.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama.

Gentlemen:

I am returning to you, the House in which it originated, House Bill No. 913 without my approval. I suggest the following executive amendment, which if adopted will cure the defect of the bill as I see it:

Amend the title of House Bill No. 913 by adding thereto the words:
"And to make an appropriation therefor."

Respectfully,
(Signed) Bibb Graves
Governor.

September 6, 1935.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said Bill, H. 913, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 78; Nays, 0.

And said bill, H. 913, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 78; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Tucker, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 913, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Parrish	Taylor
Carlton	Locke	Riddle	Thomas
Cook	Mixon	Russell	Tucker
Glover	Mooneyham	Starnes	Woodall
Goldsmith	McDowell	Stephens	

—19

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner

Carlton

Chesnut

Cook

Dorsey

Glover

Goldsmith

Kuykendall

Locke

Mixon

Mooneyham

Parrish

Riddle

Starnes

Stephens

Taylor

Thomas

Tucker

Walton

Wellborn

Woodall

—21

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. Coleman:

H. 860. To amend Sections 2874, 2875, 2880, 2885, 2886, 2888, 2889, 4387, 4389 and 4390 Code of Alabama 1923, relative to the practice of optometry.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

"To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I return to you, the House in which it originated, House Bill No. 860 without approval. I suggest the following executive amendment, which if adopted will cure the defect in the bill as I see it.

Strike from Section 8, amending Section 4387 of the Code of Alabama, 1923, the following words where they occur therein:

"Or by any person, firm or corporation doing optrometrical business to advertise through any medium whatsoever any stated prices or stated terms of sale or special prices for optometrical services or ophthalmic lenses or frames or any payment plan, such as easy payment plan, deferred payment plan or budget plan, or to advertise guaranteed glasses, satisfaction guaranteed, eye examination free, consultation free, or phrases of like import."

Respectfully,
(Signed) Bibb Graves
Governor.

September 6, 1935."

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 860, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 82; Nays, 0.

And said bill, H. 860, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 82; Nays, 0.

And said bill, H. 860, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Woodall, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 860, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Thomas
Browder	Goldsmith	Riddle	Walden
Carlton	Kuykendall	Russell	Walton
Chesnut	Locke	Starnes	Wellborn
Cook	Mixon	Swift	Woodall
Dorsey	Mooneyham	Taylor	

—23

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Mixon	Russell	Walden
Carlton	Mooneyham	Starnes	Walton
Chesnut	Parrish	Swift	Wellborn
Cook	Riddle	Taylor	Woodall
Dorsey			

—21

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Rules Committee:

S. J. R. 119. Relative to the two Houses adjourning today to meet again on Tuesday, September 10, at ten A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

BILLS ON THIRD READING RESUMED

The bill:

H. 889. To amend Section 28 of an Act, entitled "An Act to create a Pilotage Commission; to be known as the State Pilotage Commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act and to repeal all laws in conflict therewith," approved March 4, 1931.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	McDowell	Taylor
Browder	Goldsmith	Parrish	Thomas
Carlton	Kuykendall	Riddle	Walden
Chesnut	Locke	Rogers (Mobile)	Walton
Cook	Mixon	Russell	Wellborn
Dorsey	Mooneyham	Stephens	Woodall

—24

Nays:—None.

The bill:

H. 906. To amend Section 325 of the Code of Alabama, as amended by the Act of 1927, entitled "An Act to amend Sections 325, 326, 329, 332, 337, 343, 344, 345, 347, 348, 349, 354, 358 and 359, Code of Alabama 1923 and to repeal Section 330, Code of Alabama, 1923, relating to the practice of dentistry and dental hygiene, composing Chapter 18, Volume I, of said Code." And to amend Sections 333, 334 and 335 of the Code of Alabama, and to amend Sections 337, 348 and 359 of the Code of Alabama, and to repeal Section 349 of the Code of Alabama, as amended by the Act of 1927, entitled "An Act to amend Sections 325, 326, 329, 332, 337, 343, 344, 345, 347, 348, 349, 354, 358, and 359, Code of Alabama, 1923, and to repeal Section 330, Code of Alabama 1923, relating to the practice of dentistry and dental hygiene, composing Chapter 18, Volume I, of said Code." And to amend Section 357 of the Code of Alabama.

Was read a third time at length and passed.
Yeas, 24; Nays, 2.

Yeas:

Messrs.:

Bonner	Goldsmith	Parrish	Swift
Browder	Kuykendall	Riddle	Taylor
Carlton	Locke	Rogers (Mobile)	Thomas
Chesnut	Mixon	Russell	Walton
Cook	Mooneyham	Starnes	Wellborn
Glover	McDowell	Stephens	Woodall

—24

Nays: Messrs.: Dorsey and Walden.

—2

The bill:

H. 968. To provide that twenty-five percentum of all moneys paid into the State Treasury by dentists shall be paid over to The Alabama Dental Association, to be used by The Alabama Board of Dental Examiners for prosecuting violations of the Dental Laws of Alabama and other necessary purposes.

Was read a third time at length and passed.

Yeas, 23; Nays, 2.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Taylor
Browder	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Russell	Walton
Chesnut	Mixon	Starnes	Wellborn
Cook	Mooneyham	Stephens	Woodall
Dorsey	McDowell	Swift	

—23

Nays: Messrs.: Goldsmith and Walden

—2

The bill:

S. 432. To Amend Article XIII, Chapter 1, Section 348, Schedule 104 of the General Revenue Law of 1935 entitled "An Act to provide for the general revenue of the State of Alabama."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nay, 1.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	McDowell	Swift	Woodall
Glover			

—25

Nay: Mr. Goldsmith

—1

The bill:

S. 434. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage sub-districts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 7.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Thomas
Browder	Goldsmith	Riddle	Tucker
Carlton	Kuykendall	Russell	Walden
Chesnut	Mixon	Stephens	Walton
Cook	McDowell	Swift	Woodall
Dorsey			

—21

Nays:

Messrs.:

Locke	Rogers (Mobile)	Starnes	Wellborn
Mooneyham	Simpson	Taylor	

—7

RECESS

At 12:35 P. M., on motion of Mr. Dorsey, the Senate took a recess until 2:30 this afternoon.

FORTY-SEVENTH DAY—AFTERNOON SESSION

Friday, September 6th, 1935.

The Senate re-assembled at 2:30 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	McDowell	Swift	Woodall
Glover	Parrish		

—30

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Shaver:

H. 708. To amend Section 1938 of the Code of Alabama of 1923.

By Mr. Shaver:

H. 709. To amend Section 1950 of the Code of Alabama of 1923.

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Shaver:

H. 471. To amend Section 1943 of the Code of Alabama of 1923, relating to appeals by defendants in City cases.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 396. To authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy a privilege tax on all persons selling, or keeping in storage for sale, gasoline, Woco-Pep, or any other motor fuel used by self propelled vehicles, not to exceed one cent per gallon; to authorize such Board of Revenue of said County

to provide the necessary rules, regulations and machinery for the collection of said privilege tax; to make provision for the distribution of said privilege tax; to prohibit any incorporated city or town in said County from levying a municipal privilege tax on gasoline, Woco-Pep, or any substitute therefor; to repeal the municipal privilege taxes on said gasoline, Woco-Pep, or any substitute therefor, which may now be levied by any incorporated city or town in said County; to provide for the use of said privilege tax, and to provide penalties for the violation of such rules and regulations, to repeal all laws in conflict with this Act and to provide when this Act shall take effect.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Tucker, the Senate concurred in the following amendment by the House to S. 396, the title of which is set out in the foregoing Message from the House to-wit:

Substitute for S. 396:

A BILL

To be entitled An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such County, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil" or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-pep, or any other motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with

this act, and to provide when this act shall become effective.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue of Tuscaloosa County, Alabama, may, for the purpose of constructing and maintaining public roads, streets, bridges and ferries in Tuscaloosa County, Alabama, levy and collect a privilege tax of not more than one cent per gallon on all gasoline, naphtha, and other liquid motor fuels or any device or substitutes therefor, commonly used in internal combustion engines; provided, however, that nothing contained herein shall be held to apply to those products known commercially as "kerosene oil", "fuel oil", or "crude oil" commonly used for lighting, heating or industrial purposes, sold or delivered in said County, for the privilege of selling or delivering same.

Section 2. That said Board of Revenue may also provide rules and regulations and machinery for the collection of such privilege tax, and provide penalties for the violation of such rules and regulations.

Section 3. All of the net proceeds of said privilege tax collected within the corporate limits of any incorporated city or town in Tuscaloosa County, Alabama, shall be paid over to such incorporated city or town each month as collected.

Section 4. After the passage and approval of this Act, it shall be unlawful for any incorporated city or town in said Tuscaloosa County, Alabama, to levy or collect a privilege, license or excise tax on said motor fuels, or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis. All municipal privileges, excise and/or license taxes on gasoline, Woco-pep, or any other motor fuel used by self propelled vehicles now being levied or collected by any incorporated city or town in said County are hereby expressly repealed.

Section 5. That all such privilege taxes to be levied or imposed under this Act, and the money derived therefrom shall be used exclusively for the purpose of constructing and maintaining public roads, streets, bridges and ferries in said County of Tuscaloosa, and any incorporated city or town therein.

Section 6. This Act shall take effect on the first of the month next succeeding its passage and approval.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Chesnut
Cook

Fletcher
Glover
Goldsmith
Kelly

Locke
Mixon
Mooneyham
McDowell

Parrish
Riddle
Rogers (Mobile)
Russell

Simpson
Starnes
Stephens

Swift
Taylor
Thomas

Tucker
Walden

Walton
Woodall

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 420. To require the tax assessors and tax collectors of the several counties in this State, having a population of not less than 75,000 nor more than 110,000 people, according to the last or any succeeding Federal Census, in addition to assessing and collecting the ad valorem taxes due the State and said counties on motor vehicles, to collect the ad valorem taxes on motor vehicles due all cities and municipalities in such counties; to provide for reports and payments of collections by tax collectors; and to fix compensation of said assessors and collectors for the performance of their duties under this Act, which shall be in addition to compensation now received by them for assessing and collecting taxes for the State and such counties; and to repeal all laws or parts of laws, general or local in conflict with this Act.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Taylor:

H. 1037. To promote the efficiency of the Fire and Police Departments of the City of Mobile; to provide funds for an increase in the compensation paid Firemen and Policemen of the City of Mobile; to require the City of Mobile to apply all (with the exception of the reasonable costs of the collection thereof) of any license or tax of any kind whatsoever assessed against or collected by the City of Mobile of any person, firm, association or corporation selling or offering for sale, at wholesale or retail, within the City of Mobile or the Police jurisdiction thereof, any cereal beverage in which hops, malt or other like ingredients are used, to a fund to be used exclusively for augmenting the compensation, as of January 1st, 1936, of firemen and policemen of the City of Mobile, the members of said Fire and Police Departments to receive increases, each in proportion as his compensation shall bear to the compensation paid other members of said Departments, to prohibit the City of Mobile from reducing the compensation of said departments below that as of January 1st, 1936,

exclusive of such compensation as is derived hereunder, or to charge said members with an assessment or deduction other than in effect on January 1st, 1936; to authorize the City of Mobile to require the police department to assist in the collection of any license or tax assessed against or collected of any dealers in cereal beverages in which hops, malt or other like ingredients are used; to provide for the repeal of any law, or laws in conflict herewith and to provide that in the event any section or provision of this Act be declared invalid, the remaining sections or provisions shall not be affected thereby.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that substantially the following act will be introduced at the adjourned session of the Legislature of Alabama of 1935:

A BILL TO BE ENTITLED AN ACT

To promote the efficiency of the Fire and Police Departments of the City of Mobile; to provide funds for an increase in the compensation paid Firemen and Policemen of the City of Mobile; To require the City of Mobile to apply all (with the exception of the reasonable costs of the collection thereof) of any license or tax of any kind whatsoever assessed against or collected by the City of Mobile of any person, firm, association or corporation selling or offering for sale, at wholesale or retail, within the City of Mobile or the Police jurisdiction thereof, any cereal beverage in which hops, malt or other like ingredients are used, to a fund to be used exclusively, for augmenting the compensation as of July 1st, 1935, of firemen and policemen of the City of Mobile, the members of said Fire and Police Departments to receive increases, each in proportion as his compensation shall bear to the compensation paid other members of said Departments, to prohibit the City of Mobile from reducing the compensation of said departments below that as of July 1st, 1935, exclusive of such compensation as is derived hereunder, or to charge said members with an assessment or deduction other than in effect on July 1st, 1935; To authorize the City of Mobile to require the Police Department to assist in the collection of any license or tax assessed against or collected of any dealers in cereal beverages in which hops, malt or other like ingredients are used; to provide for the repeal of any law, or laws in conflict herewith and to provide that in the event any section or provision of this Act be declared invalid, the remaining sections or provisions shall not be affected thereby.

Be it enacted by the Legislature of Alabama:

Section I. In the interest of efficiency in the maintenance and operation of the Fire and Police Department of the City of Mobile and for the purpose of increasing the monthly or semi-monthly compensation paid the members of the Fire and Police Departments of the City of Mobile, that the following shall apply:

Section II. The City of Mobile shall and it must, from and after the passage and approval of this Act, use for the purpose, and for no other purpose whatsoever, (exclusive of the reasonable administrative costs of collecting the licenses and taxes, or either hereinafter referred to) of adding to and increasing the compensation paid members of the Fire and Police Departments of the City of Mobile, as of July 1st, 1935, all and any city licenses or taxes, levied and assessed against any person, firm, association or corporation, selling or offering for sale, at retail or wholesale, within the limits of

the City of Mobile, and within the police jurisdiction thereof, any cereal beverages in which hops, malt or other like ingredients are used.

Section III. From and after the passage and approval of this Act, on each date fixed for payment of compensation to members of said Fire and Police Departments, such funds as the City of Mobile shall then have on hand as proceeds of the license or tax referred to in Section II hereof shall be divided proportionately among the members of said Fire and Police Departments so that each member shall receive a part of said fund in the same proportion as his compensation shall bear to the compensation of the other members of said Departments, the amount each member so receiving to be in addition to the compensation which he was paid on the 1st day of July, 1935.

Section IV. The City of Mobile is hereby prohibited from reducing the compensation paid members of said Fire and Police Departments below the compensation paid as of July 1st, 1935, the additional compensation provided for herein to be in addition to the minimum compensation of said two Departments, which said minimum compensation is hereby fixed at the rate of compensation in effect on July 1st, 1935.

Section V. It shall be the duty of the Police Department of the City of Mobile to assist in the collection of said license or tax, when requested to do so by the officer or officers of the City of Mobile charged with the duty of collecting said license or tax.

Section VI. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section VII. In the event that any sections or provisions of this Act shall be held or deemed unconstitutional or invalid for any reason, the remaining sections and provisions of the Act shall not be affected thereby.

Section VIII. This Act shall go into effect upon its passage and approval.

PROOF OF PUBLICATION

STATE OF ALABAMA, }
COUNTY OF MOBILE, }
CITY OF MOBILE. }

Personally appeared before me, Greg L. Kenny, a Notary Public in and for Mobile, County, Alabama, W. M. Fincher, who being first duly sworn, states that he is business manager of The Mobile Times and that the annexed publication has been regularly made once a week for 4 consecutive weeks, to-wit: On July 27, August 3, 10, 17, 1935 respectively, of The Mobile Times, a newspaper printed and published in the City and County of Mobile, and State aforesaid.

W. M. Fincher,
Bus. Mgr.
Sworn to and Subscribed before me, this 17 day of Aug., A.D., 1935.
Greg L. Kenny,
Notary Public.

(Seal)

Also:

By Mr. Langdon:

H. 1060. To create the office of County Solicitor of Pickens County, Alabama, to provide for the election of such officer by the qualified voters of said County, to prescribe his powers, duties and qualifications, to provide for his compensation, fix the term of his office, provide for his election, the time of the election of his successors in office and to repeal all general and local laws in conflict therewith so far as they relate to said Pickens County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that there will be introduced in the present session of the Alabama Legislature a Bill in substance as follows:—

A Bill to be entitled an Act: To create the office of County, Solicitor of Pickens County, Alabama; to provide for the election of such officer by the qualified voters of said County; to prescribe his powers, duties and qualifications; to provide for his compensation; to fix the term of his office; to provide for the election of such officer and the time of the election of successors in office and to repeal all general and local laws in conflict therewith insofar as they relate to Pickens County.

Robert Langdon, Member of Alabama Legislature.

PROOF OF PUBLICATION

STATE OF ALABAMA, }
COUNTY OF PICKENS. }

Before me, V. W. Elmore, a Notary Public, in and for said County, and State, personally appeared W. M. Lindley, who being duly sworn by me, deposes and says; that he is the Publisher of the Pickens Progressive Age, a Newspaper published in Pickens County, Alabama, and that the attached notice has been regularly published in said paper for four (4) consecutive weeks, once a week, in issues as follows: August 1st, 1935, August 8th, 1935, August 15th, 1935, and August 22nd, 1935.

W. M. Lindley,
Publisher of the Pickens Progressive Age.

Sworn and subscribed to before me this the 23rd day of August, 1935.

V. W. Elmore,
Notary Public.

(Seal)

Also:

By Mr. Langdon:

H. 1059. To abolish the office of Deputy Solicitor of Pickens County, Alabama, to fix the time when such office shall be abolished and to provide that such act shall not affect any general, special or local laws except as herein provided for.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that there will be introduced in the present session of the Alabama Legislature a Bill in substance as follows:

A Bill to be entitled an Act:— To abolish the office of Deputy Solicitor of Pickens County Alabama; to fix the time when such office shall be abolished, and to provide that such bill shall not affect any General, Special or Local laws except as herein provided for.

Robert Langdon, Member of Alabama Legislature.

PROOF OF PUBLICATION

STATE OF ALABAMA, }
COUNTY OF PICKENS. }

Before me, V. W. Elmore, a Notary Public, personally appeared, W. M. Lindley, who being duly sworn by me, deposes and says; that he is the Publisher of the Pickens Progressive Age, a Newspaper published in Pickens

County, Alabama, and that the attached notice has ben regularly published once a week for four (4) consecutive weeks in the Pickens Progressive Age in issues as follows; August 1st, 1935, August 8th, 1935, August 15th, 1935, and August 22nd, 1935.

W. M. Lindley,

Publisher of the Pickens Progressive Age.

Sworn to and subscribed to before me, this the 23rd day of August, 1935.

V. W. Elmore,

Notary Public.

(Seal)

Also:

By Mr. Sanford:

H. 654. To amend Section 5311 of the Code of 1923.

Also:

By Mr. Adams:

H. 976. To amend section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled, "An Act to amend sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923", approved August 20, 1927.

Also:

By Mr. Todd:

H. 934. To provide for and regulate the mode of selecting and impanelling juries in all criminal and quasi criminal cases in circuit courts in counties having a population of 300,000 or more according to the last or any future Federal census.

Also:

By Mr. Todd:

H. 932. To authorize the Circuit Courts in counties having a population of 300,000 or more according to the last or any future Federal Census, to make such orders and rules concerning proceedings in causes of like nature or relative to the same question as may be conformable to the usages of Courts for avoiding unnecessary costs or delay in the administration of justice, and to authorize said courts to consolidate said causes when it appears reasonable to do so.

Also:

By Mr. Staples:

H. 1055. To provide that in all counties in the State of Alabama having a population of One Hundred and Ten Thousand (110,000) and not more than Two Hundred Thousand (200,000) according to the last or any subsequent Federal Census that in all misdemeanor cases that a solicitor's fees as now are hereafter fixed by law may be charged as court cost in the discretion of the Judge trying the case.

Also:

By Mr. Welch:

H. 960. To amend Sections 20 and 23 of an Act approved September 6th, 1927, entitled: "An Act, Relating to dependent,

neglected or delinquent children in all counties of Alabama which have a population of as many as Two Hundred Thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter, and which counties now have, or which counties shall hereafter have a Juvenile and Domestic Relations Court; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the Juvenile and Domestic Relations Courts of such counties; to provide for their protection, guardianship, custody, care, supervision, discipline, and generally for their welfare; to confer upon such Juvenile and Domestic Relations Court in such counties original and exclusive jurisdiction and authority to adjudicate and enforce all questions and matters arising under or provided for by the terms of this Act, and to confer upon such courts full power and authority to try and determine all such questions; or which may be otherwise referred to them by law; for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this Act; to confer upon such courts authority to make rules and regulations, and to devise and have printed, such records and forms, where not otherwise provided for under the terms of this Act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the Detention Home or Parental School, or for the conduct of probation officers, or their work as provided for in this Act; to create and provide for Advisory Boards to such courts, and to define their duties; to make it a misdemeanor by act, or omission or otherwise to aid, abet, cause, connive at or contribute to the dependency, neglect, or delinquency of such children, in such counties, or to conceal or otherwise interfere with the custody of such children, or to interfere with or obstruct probation officers in the discharge of their duties, and in certain contingencies for injunction in such cases, and to provide for the trial and punishment of such offenders; to provide for investigations by probation officers, and the effect of their reports as evidence; to provide for the taking and enforcement of recognizances when same are made by a minor with adults as sureties; to provide that all proceedings under the terms of this Act in dealing with the children described herein shall be in equity, and civil in their nature, and to regulate same; to provide for the trial of any delinquent child as defined by this Act, in a criminal court of competent jurisdiction, when the court after investigation or trial is convinced that such child cannot be made to lead a correct life under the discipline provided for such delinquent under the terms of this Act; to provide that under certain contingencies male children between sixteen and eighteen

years of age shall be dealt with as delinquents; to provide for the establishment and maintenance of a Detention Home or Parental School and for the appointment and compensation of probation officers, and for other expenses incident to the purposes of this Act; to provide for the appointment of Referees, and to define their powers and duties; to declare when this Act shall take effect, that should any part of this Act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws inconsistent or in conflict with this Act.

Also:

By Mr. Taylor:

H. 1056. To provide that in all Counties in the State of Alabama having a population of 110,000 and not more than 300,000 according to the last or any subsequent Federal Census that it shall be unlawful to buy, sell or otherwise transfer cattle without a bill of sale, describing said cattle, and the mark or brand of same set out therein and signed by the person selling or transferring same, and to provide for the penalty for violation of this act.

Also:

By Mr. Todd:

H. 1057. To amend Sections II, III, V and VI of an Act entitled "An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof," which became a law July 24, 1931, under Section 125 of the Constitution.

Also:

By Mr. Chichester:

H. 1069. To further provide for safeguarding of public monies in the hands of Tax Collectors, County Treasurers, and County Treasurers of School Funds, in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census; and in accomplishment of said purposes to require official bonds to be given and executed by said officials; to prescribe the conditions of such bonds; to provide for the amount of such bonds to be fixed and prescribed by the County Commission or like governing body of such counties; to provide for sureties thereon; to provide payment of premiums therefor; to provide for depositaries to be appointed by the County Commission or like governing body of such counties, in which such monies coming into the hands of such officials may be deposited; to provide for the liability of said officials and their bonds and sureties arising out of the deposit of public funds in depositaries so appointed; to provide for Tax Collectors in such counties

making reports and disbursements and remittances of their funds; to repeal all laws or parts of laws in conflict with the provision of this Act; and to provide that if any section or part of section of this Act shall be declared unconstitutional then the remaining sections or parts of sections of this Act shall not be affected thereby.

Also:

By Mr. Welch:

H. 958. TO PROVIDE FOR AND ESTABLISH in each and all counties of this State which now have a population of Two Hundred Thousand People, or more, according to the last Federal census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a court to be designated the Juvenile and Domestic Relations Court; to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper, or convenient for the exercise thereof; to regulate same; to provide for a Judge of such courts, his term of office, and compensation; to provide for a Solicitor and for his compensation; and for such other officers and employees as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for officials of said court, their term of office and duties; to provide for and regulate the procedure of such courts, to authorize the Judge of said courts to determine the form of the records, and adopt rules of procedure therein, where not otherwise provided for in this Act; to provide for appeals from said courts and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the Circuit Courts, and other courts in such counties; to provide for any section, paragraph, or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof.

Also:

By Mr. Taylor:

H. 1074. To require Mobile County to pay the Home Demonstration Agent for said County Sixty (\$60.00) Dollars per month for the expenses of her office; and to make same a preferred claim against said County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the present session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED AN ACT

To require Mobile County to pay the Home Demonstration Agent for said County Sixty (\$60.00) Dollars per month for the expenses of her office; and to make same a preferred claim against said County.

Be it enacted by the Legislature of Alabama:

Section 1. Mobile County is hereby required to pay the Home Demonstration Agent of Mobile County Sixty (\$60.00) Dollars per month, to be used by her in payment of the expenses of her office.

Section 2. Said sum shall be a preferred claim against said County of the same preference as are salaries of the members of the Board of Revenue and Road Commissioners.

STATE OF ALABAMA, }
COUNTY OF MOBILE. }

I, George A. Sossaman, do hereby certify that the Mobile Times is a newspaper of general circulation in Mobile County, Alabama, and that the attached advertisement appeared in said newspaper in its issues of August 6, 13, 20 and 27, 1935.

George A. Sossaman,

Subscribed and sworn to before me this 29th day of August, 1935.

Dorris Smolkin,

Notary Public, Mobile County, Alabama.

Also:

By Mr. Henson:

H. 1081. To establish for Washington County, Alabama, a County Fishing Board, to provide for the membership of said Board and their successors, to confer upon said Board said regulatory powers over fishing in said county, to provide a license for fishermen in said County, to provide for the payment of such license by both residents and non-residents, to provide for the disposition of the proceeds of such license, to provide penalties for the violations of this Act, and to provide that it shall become effective upon its approval by the Governor.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill, or the following bill in substance, will be introduced at the present session of the Legislature of Alabama, for enactment into law:

A BILL

Be it enacted by the Legislature of Alabama:

Section 1. That any non-resident of Washington County, Alabama, who desires to fish in any of the waters in Washington County, Alabama, in which fresh water fish appear, live or exist may do so by first procuring a County non-resident fishing license and paying therefor the sum of \$2.50, which said license shall be issued to the applicant by the Game Warden of Washington County, Alabama, or some person designated by the County Fishing Board hereinafter provided for.

Section 2. That there is hereby created in and for Washington County a County Fishing board, which shall be composed of three members, one of said members being the Game Warden of Washington County and two other

members to be appointed by the Governor of the State of Alabama. One member of said board shall hold office for a term of one year and the other member to hold office for a term of two years, the Governor of Alabama being hereby authorized to designate which member shall hold office for a term of one year and which member shall hold office for two years. After the two members have been appointed by the Governor of Alabama any vacancy on the Board shall be filled by the remaining member or members of said board. The two members of said board so appointed by the Governor and any member appointed by the Board shall take the oath of office required of any other County officer and file the same in the office of Judge of Probate. The member of said board shall not receive any compensation for services performed under this act.

Section 3. That all licenses due under the provisions of this law shall be due on the first day of January of each year and shall be valid for a period of one year from that date. No license shall be issued for a fraction of a year.

Section 4. That all money received from the sale of County non-resident fishing licenses shall be paid over to the County Treasurer or Custodian of the County funds of Washington County, Alabama, and by such Custodian or Treasurer kept in a separate fund and to be disbursed on check or warrant issued by the County Game Warden, with the approval of the board named in Section 2 of this act.

Section 5. That all money received from the sale of County non-resident fishing license and fines shall be expended by said County Fishing Board for the protection of wild game, for the protection and propagation of fish in the fresh waters of Washington County, for the restocking with fish of any of the fresh waters of Washington County and for any other purpose said board may deem wise, necessary and proper for the protection and propagation of wild game and fish in Washington County.

Section 6. That, in the event there is no Game Warden in and for Washington County at any time, that the County Fishing Board shall have the right and authority to name one person to act as the third member of said board, which third member shall serve until there is a Game Warden named for Washington County.

Section 7. That any non-resident of Washington County, Alabama, who fishes in any of the waters of Washington County, Alabama, without first procuring the County non-resident fishing license, as provided for in Section 1 hereof, shall be guilty of a misdemeanor and on conviction shall be fined not less than \$15.00 and not more than \$50.00 and may be sentenced to hard labor to the County for not more than sixty days.

Section 8. All fines received from violations of this law shall be paid over to the County Treasurer or Custodian of funds of Washington County, Alabama, to be disbursed and used as the license money is authorized to be used and disbursed.

Section 9. That if any Section of this act is declared unconstitutional or invalid then that fact shall not destroy any other Section of this act.

Section 10. That this act shall take effect upon the approval of the Governor.

L. T. Henson,
Representative.

STATE OF ALABAMA, }
WASHINGTON COUNTY. }

I, Matt L. Blount, publisher, of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the A Bill to be Entitled An Act as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated August 15, 1935, and ending with the issue

dated September 5, 1935. I further certify that I have the right and authority to make this affidavit.

Sworn to and subscribed before me on this, the 29 day of Aug. 1935.
Matt L. Blount.
Joe M. Pelham, Jr.,
Notary Public.

Also:

By Messrs. Johnston & Propst:

H. 1064. To create a Purchasing Agency for Calhoun County, Alabama, To be composed of the President of the Board of Revenue of said County, whose duties shall be to purchase books, stationery, blanks, machinery, supplies, materials, appliances and equipment for the several County offices, jails, court houses, almshouses, public roads and bridges of said county, and to define the powers and duties of said Purchasing Agency.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

This bill will be introduced in the Alabama Legislature at the present session.

A BILL TO BE ENTITLED AN ACT

To create a Purchasing Agency for Calhoun County, Alabama, to be composed of the President of the Board of Revenue of said County whose duties shall be to purchase books, stationery, blanks, machinery, supplies, materials, appliances and equipment for the several County officers, jails, court houses, almshouses, public roads and bridges of said county, and to define the powers and duties of said Purchasing Agency.

Be it enacted by the Legislature of Alabama as follows:

Section 1. That there be and is hereby created a Purchasing Agency for Calhoun County, Alabama, consisting of the President of the Board of Revenue of said county. The duties of said Purchasing Agency shall be to purchase for the county officials the county offices, and every department of the county all books, stationery, supplies, office equipment, printing and printed matter, blanks, forms, machinery, equipment, including road equipment, and machinery, tools and material and supplies for the court houses, jails, almshouses and bridges, and that it shall be the duties of said Purchasing Agency to purchase the same at the best prices obtainable, receiving competitive bids therefor when practicable.

Section 2. That such books, stationery, supplies, office equipment, printing and printing matter, blanks, forms, machinery, equipment including road equipment and machinery, tools and material, and material and supplies for the court houses, jails, almshouses and bridges, shall be furnished only upon written requisition setting forth the articles needed and signed by the officer for whose office said articles are requested, and thereupon said Purchasing Agent shall make inquiry and ascertain whether the articles are necessary before purchasing the same, and all invoices of such purchases, with said requisition attached, shall be kept on file in the office of the President of the Board of Revenue of said county in alphabetical order as a permanent record subject to inspection by the public at all reasonable times.

Section 3. That the term of office of the President of the Board of Revenue, as a member of said Purchasing Agency, shall be the same as his term of office as President of the Board of Revenue of said county.

Section 4. The Board of Revenue of said county shall require the officers so obtaining such articles to be responsible for the same and to deliver the unused portion thereof to their successors in office.

Section 5. That this Act shall take effect immediately upon its passage and approval, and that all laws and parts of laws in conflict herewith are hereby repealed, insofar as they apply to Calhoun County, Alabama.

STATE OF ALABAMA, }
COUNTY OF CALHOUN. }

Before me, Clara B. Wright, Notary Public in and for said state and county, personally appeared Harry M. Ayers, Publisher of The Anniston Star, a daily newspaper published in Anniston in said state and county, who being duly sworn, deposes and says that the attached notice relative to the advertising of a bill to be entitled an act to create a Purchasing Agency for Calhoun County, Alabama, was published in The Anniston Star August 7, 14, 21 and 28, 1935.

Sworn to and subscribed to before me this the 30th day of August, 1935.

(Seal)

Harry M. Ayers.
Clara B. Wright,
Notary Public.

Also:

By Mr. Braswell:

H. 1066. To repeal an Act entitled an Act "To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election", and to abolish the office of County Treasurer as provided in the said Act, approved February 7, 1923, to take effect on the first Monday after the second Tuesday in January, 1937, when the term of the present incumbent of said office expires.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LAW

Notice is hereby given that a bill will be introduced for passage during the present session of the Legislature of Alabama to repeal An Act entitled an act "To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election," and to abolish the office of County Treasurer of Coffee County, Alabama, on and after the expiration of the term of the present incumbent of the office, providing that said repealing act take effect on the first Monday after the second Tuesday in January, 1937, and that no successor be elected to said office as provided in said local act approved February 7, 1923.

This August 7th, 1935.

W. C. Braswell,
Representative.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA, }
 COFFEE COUNTY. }

Before me, a Notary Public in and for said State and County, personally appeared R. C. Bryan who states on oath that he is the Publisher of The Elba Clipper, a newspaper published weekly at Elba, Alabama, in said County and State, and that the Notice hereto attached was published in said newspaper for a period of Four consecutive weeks on the following dates, to-wit: August 8, 1935, August 15, 1935, August 22, 1935, August 29, 1935.

R. C. Bryan,
 Publisher.

Sworn to and subscribed before me, on this the 29 day of August, 1935.

T. D. Kendrick,
 Notary Public.

Also:

By Messrs. Johnston & Propst:

H. 1065. To fix the salary of the Judge of Probate of Calhoun County and to provide for clerical assistance and other expenses of said office to fix the salary of Tax Collector of Calhoun County, and to provide for clerical assistance and other expenses of said office; to fix the salary of the Tax Assessor of Calhoun County, and to provide for clerical assistance and other expenses of said office; to require each of said officers to collect all the fees, compensations, and allowances, heretofore collected by said officers and which may hereafter be collected by said officers, and cover same into the County Treasury on or before the fifth day of each month, and to provide for the payment of the salary, clerical assistance, and other office expense by the Treasurer of the County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

This bill will be introduced in the Alabama Legislature at the present session.

AN ACT

To fix the salary of the Judge of Probate of Calhoun County and to provide for clerical assistance and other expenses of said office to fix the salary of Tax Collector of Calhoun County, and to provide for clerical assistance and other expenses of said office; to fix the salary of the Tax Assessor of Calhoun County, and to provide for clerical assistance and other expenses of said office; to require each of said officers to collect all the fees, compensations, and allowances, heretofore collected by said officers and which may hereafter be collected by said officers, and cover same into the County Treasury on or before the fifth day of each month, and to provide for the payment of the salary, clerical assistance, and other office expense by the Treasurer of the County.

Be it enacted by the Legislature of Alabama:

Section 1. That commencing at the beginning of their next term of office, subsequent to the general election to be held on the first Tuesday after the first Monday in November, 1938 and 1940, the salary of the following

named officers of Calhoun County shall be as follows: The salary of the Judge of Probate shall be Four Thousand Eight Hundred Dollars per annum net; and he is hereby allowed the further and additional sum of Four Thousand Dollars per annum for clerical assistance and expenses. The salary of the Tax Collector shall be Three Thousand Six Hundred Dollars per annum net; and he is hereby allowed the further and additional sum of Twenty-five Hundred Dollars per annum for clerical assistance and expenses. The salary of the Tax Assessor shall be Three Thousand Six Hundred Dollars per annum net; and he is hereby allowed the further and additional sum of Three Thousand Dollars per annum for clerical assistance and expenses. Payment for clerks and extra help shall be made by the County Treasurer upon an order signed by the officer in whose office the clerks and extra help are employed, fixing the amount and directing to whom the said amounts shall be paid. The above named amounts shall be in lieu of all compensations and allowances now allowed to the respective named officers, and of all compensation and allowances that may hereafter be allowed said officers. These amounts shall be paid out of the county treasury of Calhoun County monthly as the salaries of other county officers are paid.

Section 2. The above named officers shall collect the fees, allowances and compensations heretofore collected by them, and the fees, allowances and compensations which may hereafter be collected by them, and shall cover such fees, allowances and compensation into the County Treasury on or before the fifth day of each month.

Section 3. The Board of Revenue of Calhoun County shall provide said officers with necessary quarters, books, stationery, office equipment, and other conveniences, necessary for the efficient handling of the affairs of their respective offices.

Section 4. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

STATE OF ALABAMA, }
COUNTY OF CALHOUN. }

Before me, Clara B. Wright, Notary Public in and for said state and county, personally appeared Harry M. Ayres, Publisher of The Anniston Star, a daily newspaper published in Anniston in said state and county, who being duly sworn, deposes and says that the attached notice relative to the advertising of an act to fix the salary of the Judge of Probate of Calhoun County; to fix the salary of Tax Collector of Calhoun County, and to fix the salary of the Tax Assessor of Calhoun County, was published in The Anniston Star August 7, 14, 21 and 28, 1935.

Harry M. Ayres.

Sworn to and subscribed to before me this the 31st day of August, 1935.

Clara B. Wright,
Notary Public.

Also:

By Mr. Henson:

H. 1076. To further provide for the conservation, protection and development of the fresh water fish life of Washington County, Alabama; to provide for commercial fishing license and the fee for same, and the manner and means for issuing said license, and the manner and means for handling and spending the revenue provided for in this Act; to provide who shall be required to procure a commercial fishing license; to make a violation of any of the provisions of this Act a misdemeanor; to provide penalties for violation of any of the provisions of this Act; and for other purposes.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at this session of the Legislature of Alabama providing for and fixing a commercial license, or license for those who fish for the purpose of catching fish to sell in Washington County, Alabama, waters over which said county has criminal jurisdiction, and providing when this license, is due each year, providing who shall issue such license, providing who is eligible to purchase such a license, providing the kind of fish that may be caught under such license and sold to the public, providing for sworn reports to the Game Warden of Washington County, Alabama, of the number of pounds of fish sold each month by the license, providing a penalty for failing to procure such a license before doing commercial jurisdiction, and providing a penalty for failing or refusing to make report to such Game Warden of the number of pounds of fish sold during each month.

L. T. Henson,
Representative.

STATE OF ALABAMA. }
WASHINGTON COUNTY. }

I, Matt L. Blount, publisher, of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the A Bill to be entitled An Act as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated August 15, 1935, and ending with the issue dated September 5, 1935. I further certify that I have the right and authority to make this affidavit.

Matt L. Blount.
Sworn to and subscribed before me on this, the 29 day of Aug. 1935.
Joe M. Pelham, Jr.,
Notary Public.

Also:

By Mr. Coleman:

H. 1073. To establish a Board of Revenue for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; To fix the number of the members thereof, and fix the districts of said Board; to relieve the Judge of Probate of his duties as Chairman of the Board of Revenue; to provide for the appointment and election of the members of said board, to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a Chairman thereof; and fix his duties, powers, compensation and term of office; to provide for the selection and appointment of a bookkeeper-clerk for said board, and to fix his term of office, powers, duties and compensation, and to provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this Act be, and the same

are hereby repealed, and to provide when said Act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is given that the following bill will be introduced at the present session of the Legislature of Alabama in an attempt to enact it into law:

"AN ACT

To establish a Board of Revenue for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; To fix the number of the members thereof, and fix the districts of said Board; to relieve the Judge of Probate of his duties as Chairman of the Board of Revenue; to provide for the appointment and election of the members of said board, to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a Chairman thereof; and fix his duties, powers, compensation and term of office; to provide for the selection and appointment of a bookkeeper-clerk for said board, and to fix his term of office, powers, duties and compensation, and to provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established a Board of Revenue for Marshall County, Alabama, consisting of a Chairman and four associate members.

Section 2. That after the passage and approval of this Act there shall be appointed a Chairman of the Board of Revenue for Marshall County, Alabama, by the Governor who shall hold office until the first Monday after the second Tuesday in January of the year 1939; that the term of office of his successor shall begin on the first Monday after the second Tuesday in January of the year 1939, and shall be for four years thereafter, and shall expire on the first Monday after the second Tuesday in January of the year 1943, and the term of office of his successor shall be for four years thereafter; That the present members of the Board of Revenue elected to such office from districts 1, 2, 3 and 4 as now constituted by law shall become and be associate members of the Board of Revenue as herein created and shall hold office until the first Monday after the second Tuesday in January of the year 1939; that on and after the first Monday after the second Tuesday in January of the year 1939 said Board of Revenue shall be composed of a chairman and only two associate members and whose terms of office shall be four years thereafter, and who shall be elected at the general election to be held in 1938 and every four years thereafter. The said Chairman shall be elected by the qualified electors from the entire County and the said two associate members shall be elected by the qualified electors from their respective districts as created by Section 3 of this Act, and each shall reside in his district. In case of a vacancy on said Board the vacancy shall be filled by appointment by the Governor. Three members of the Board shall constitute a quorum up until the first Monday after the second Tuesday in January, 1939, and thereafter two members shall constitute a quorum. The Judge of Probate is hereby relieved of any and all duties in connection with the Board of Revenue and shall not hereafter receive any pay or compensation therefor.

Section 3. That after the first Monday after the second Tuesday in January, 1939, District Number One of the Board of Revenue of Marshall County shall be and embrace all of the territory of Marshall County lying and being included within the present boundaries of the following Precincts as now constituted in said County, to-wit: Precincts Number 4, 5, 6, 13, 16, 17, 18, 20, 22, 24 and 28; that District Number two of the Board of Revenue of Marshall County shall embrace all the territorial jurisdiction of Marshall County except the territory embraced within District Number One.

Section 4. That the salary of the Associate Members of the Board of Revenue as herein created for Marshall County shall be Seventy-Five (75.00) Dollars per month, payable monthly out of the general funds of said County, and the salary of the Chairman of the Board of Revenue of said County shall be One Hundred fifty (\$150.00) Dollars per month, payable monthly out of the general fund of Marshall County; that the Chairman of the Board of Revenue shall be required to devote so much of his time to the duties of his office as may be necessary to a full performance of such duties, and the Associate members of the Board of Revenue shall not be re-required to devote their entire time to the duties of their office, but all shall be required to attend the meetings of the Board of Revenue, which shall hold its session on the second Monday of each month and may continue in session as long as may be necessary to conduct the business of the County and may adjourn said meeting to any day they may desire and may hold such special session at any time upon the call of the Chairman. The sessions of said Board of Revenue shall be held at the courthouse at Guntersville in said County. The Board of Revenue shall have an office at the courthouse of said County at Guntersville, which shall be kept open at all times other county offices are required by law to be kept open. No mileage shall be paid to any of the members of the Board of Revenue.

Section 5. That said Board of Revenue shall have the power and authority and it shall be its duty to control and preserve the property of Marshall County as it may deem expedient according to law; to levy a tax for general purposes and special taxes for particular county purposes according to the provisions of the Constitution and Law of the State of Alabama, and to provide for their collection; to examine, allow, settle and compromise accounts and claims and things chargeable against the County; to audit and settle the accounts of all offices having the care, management, collection or disbursement of money belonging to the County or appropriated to its use and benefit; to have control of disbursements of the proceeds of convict labor of the County; to have control of and make provisions for the poor and indigent of the County; to provide for the purchase of necessary books, stationery, telephones, postage, telegrams, telephone calls, for the use of all County Offices and said Board of Revenue in the conduct of its official business; employ an engineer for the County, and provide for the supervision of the roads and bridges of the County through such engineer; to have the right and authority to bind the County in any legal contract for the payment of money; to pay any debt due by the County on any existing lawful contract; to refinance the bonded debt of the County; to issue such warrant or warrants, or provide for their issuance as may be necessary from time to time in the conduct of the business of the County and to refinance on the best possible terms any existing indebtedness of the County lawfully created, on such terms and for such length of time, not to exceed twenty years, as it may deem, by proper resolution spread upon its minutes, to the best interest of the County, and may issue interest bearing warrant or warrants bearing coupons for such interest as it may agree with the person purchasing the same, and must keep a register of all such warrants in its office showing the amount of each such warrant, its date, due date, to whom issued and for what issued and when so issued such Board of Revenue shall set up a Sinking Fund out of any monies or funds belonging to or to accrue

to said County for the retirement of such warrants and at least 5% of the amount of such warrants so issued shall mature and be paid each year until the whole shall have been paid, but the County shall not pay a rate of interest in excess of 6% on such indebtedness, and in the case of bonds when they are refinanced not to exceed the rate of interest of the bonds being refunded; to borrow money as provided by law for the County and to see that the depository of County funds shall keep on hand at all times sufficient money to pay all jurors and salaries and allowances of County officials when due, the same being hereby declared preferred claims against the County and against its funds. Said Board of Revenue shall have, in addition to the above powers and authorities, all jurisdiction, powers, authorities and duties as may now and may hereafter be vested by law in the Courts of County Commissioners or Boards of Revenue of this State and the several members of said Boards of Revenue shall perform all their duties and services and exercise the powers enjoined upon them by law except as otherwise provided for by this Act.

Section 6. That all general laws hereinafter enacted in relation to the jurisdiction, power, authority and duties of Commissioners Courts and Boards of Revenue shall govern and be deemed to apply to the Board of Revenue of Marshall County.

Section 7. That the Chairman of the Board of Revenue shall be its presiding officer, shall have a voice and vote on all questions before the Board, shall sign the Minutes of the proceedings of said board and shall have the same power and authority as the other members in passing on all questions, shall sign and draw all warrants drawn on the County Depository, and all orders for the payment and disbursement of the funds of the County, shall sign all contracts entered into by the Board of Revenue for and on behalf of the County. It shall be his duty to prepare business and obtain information for the session of the Board of Revenue and to see that all orders thereof are properly executed. He shall exercise all the duties required of Probate Judges as to matters coming before Courts of County Commissioners.

Section 8. The Chairman of the Board of Revenue shall appoint a bookkeeper-stenographer whose compensation shall be fixed by the Board of Revenue previous to the appointment, and shall not exceed One Hundred (\$100.00) Dollars per month, payable monthly out of the general funds of the County; said bookkeeper-stenographer shall also be the Clerk of the Board of Revenue, issue and prepare all notices required by said Board of Revenue and keep the Minutes and records of the proceedings of the Board in a well bound volume or volumes kept for that purpose, said records to be kept in the office of the Board of Revenue and be at all times open to the inspection of any of the citizens of Marshall County and generally to do and perform such other matters and duties as may be required of him by said Board of Revenue. The term of office of said Clerk shall be at the pleasure of the Chairman appointing him.

Section 9. Said Board of Revenue shall keep or cause to be kept by said bookkeeper-stenographer a correct register of all claims presented against the County, showing the name of the claimant, the amount claimed, the fund against which it is claimed, for what it is claimed, the date filed, the date the demand was created, the amount claimed and the action of the Board thereon. There shall be kept a carbon copy of every warrant or order for the payment of money out of the County Treasury and these records, together with the Minutes of the proceedings and all papers of the Board of Revenue shall be and are public records, open to the inspection of any person at reasonable hours when the same are not being actually used by the Board of Revenue or under its direction.

Section 10. The Board of Revenue of Marshall County nor any of the members thereof, directly or indirectly, shall hire any person or persons or engage the service of any person or persons for any purpose for Marshall County who are related to any of the members of the Board of Revenue.

within the third degree by affinity, nor shall any warrant or warrants ever be issued for the payment of such services of any such person so related within said degree to any member of said Board of Revenue.

Section 11. Said Board of Revenue shall have authority and it shall be its duty to hire a competent civil engineer whose salary shall not exceed Two Hundred (\$200.00) Dollars per month nor be less than \$150.00 per month, payable monthly and whose duty it shall be to perform the duty of engineer of Marshall County, and whose duty it shall be to inspect, build, prepare and supervise any and all of the public roads, bridges, or work of said County. Said engineer shall have the authority to hire and fire such employees as may be necessary in carrying out the work of building and repairing public roads, bridges, or works in said County and shall hire or employ such number of persons at such compensation as may first be determined by the Board of Revenue but no person so hired to perform any service shall be related within the third degree by affinity to said engineer or to any member of the Board of Revenue and if so hired any warrant drawn by the Board of Revenue for pay for such services shall be null and void, and the members of the Board of Revenue and the sureties on their official bond shall be held liable for any such warrant so drawn to such person so employed and who is related within the third degree by affinity to any of the members of said Board or to such engineer.

Section 12. Said engineer and the Board of Revenue and the individual members thereof are also prohibited from hiring any member of said Board to do any road work or any other work or perform any other service for said County except in his official capacity for which his salary is provided and from using the teams, trucks, machinery or property of any member of said Board or hiring for labor on roads or bridges any person in the employ of any member of said Board or anyone renting or cultivating lands of any member of said board, or hiring the teams of any such person or making any contract for the purchase of goods or materials or for any construction, maintenance or repair work, with any such person or with any such member of said board or with any person who is related by affinity within the third degree to any member of said board or such engineer nor any such contract with any firm or corporation of which such member or a relative of a member may be a partner or stockholder.

Section 13. That on and after the passage and approval of this bill the Chairman of said Board of Revenue shall be the purchasing agent to purchase all materials and supplies required to be purchased or paid for by the Board of Revenue under this act or under the Laws of the State of Alabama. Requisition shall be submitted for such supplies and material by the engineer and by other officers of said County to the Board of Revenue and shall be passed upon and approved by the Board at either a general or special session before any purchase shall be made by said purchasing agent, except for letterheads, stamps and blanks for the officers of the County and if the amount of such purchase of such supplies on such requisition amounts in value to One Hundred (\$100.00) Dollars, the same shall be let by competitive bidding by the Chairman of the Board of Revenue, the person making the best and lowest bid on the same quantity of product, article or supplies shall be awarded the contract of purchase. In awarding contracts for the purchase of material and supplies or either, the purchasing agent shall award the contract to Alabama made goods if the bid submitted therefor is equal to or lower than other bids submitted for the same article of the same grade and character. The Chairman of the Board of Revenue shall not receive any additional compensation for such services. All requisitions for material and supplies, bids and correspondence and other papers relating to the purchases made by said purchasing agent under the provisions of this Act shall be kept and preserved in the office of the Board of Revenue, and the same shall be public records and subject to inspection by any per-

son at all reasonable times. Provided, however, that the Board of Revenue may make provision for emergency purchase to be made by the purchasing agent where such emergency exists as shall require immediate action to preserve and protect the interests of the County, but under no condition shall any purchase ever be made where the total amount of the value of the goods purchased exceeds One Hundred (\$100.00) Dollars without competitive bids.

The word "Supplies" shall be deemed to include all machinery, tools, implements, materials, supplies, stationery, and office supplies for all offices, departments and activities of the County and public notice by posting at the Courthouse door shall be given by the purchasing agent for at least three days for written bids in all cases where the proposed purchases amount to One Hundred (\$100.00) Dollars in value to allow opportunity for competition among bidders. All contracts awarded or purchases made under the provision of this Act shall be to the lowest responsible bidder.

Section 14. That if any Section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other section, clause, provision or portion thereof, which is not of itself unconstitutional.

Section 15. That all laws or parts of laws, general, local or special, in conflict with the provisions of this Act be, and the same are hereby repealed.

STATE OF ALABAMA, }
MARSHALL COUNTY, }

Before the undersigned Claud D. Scruggs a Notary Public in and for said County and State personally appeared Y. Burke who being duly sworn deposes and says: That he is Editor and Publisher of the Guntersville Advertiser & Democrat, a newspaper published in Guntersville, Marshall County, Alabama, and that notice contained in the excerpt of said newspaper pasted to this page of intention to apply to the Legislature for the enactment of a law as shown in said notice, was published in said Guntersville Advertiser & Democrat once a week for four successive weeks without cost to the State, the first publication having been made in the issue of said newspaper on the 7th day of August, 1935, and the three subsequent publications having been made in the issues of said newspaper on the 14th day of August, 1935, the 21st day of August, 1935, and the 28th day of August, 1935, respectively.

Y. Burke.

Sworn to and subscribed before me this the 28th day of August, 1935.

Claude D. Scruggs,

(Seal)

Notary Public.

Also:

By Mr. Coleman:

H. 1072. To repeal an Act entitled "An Act to amend an act entitled: 'An Act abolishing the Court of County Commissioners of Marshall County, creating a Board of Revenue of Marshall County, providing for the selection, nomination and election of the members of the said board; their compensation and manner of payment; fixing their powers and duties; the term of their office and providing that this Act shall go into effect upon its approval, approved August 27, 1927,'" approved January 16, 1931.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is given that the following bill will be introduced at the present session of the Legislature of Alabama in an attempt to enact the same into law:

" AN ACT

To repeal an Act entitled "An Act to amend an act entitled: 'An Act abolishing the Court of County Commissions of Marshall County, creating a Board of Revenue of Marshall County, providing for the selection, nomination and election of the members of the said board; their compensation and manner of payment; fixing their powers and duties; the term of their office and providing that this Act shall go into effect upon its approval, approved August 27, 1927,'" approved January 16, 1931.

Be it enacted by the Legislature of Alabama:

Section 1. That an Act entitled "An Act to amend an act entitled: 'An Act abolishing the Court of County Commissions of Marshall County; creating a Board of Revenue for Marshall County; providing for the selection, nomination and election of the members of the said board; their compensation and manner of payment; fixing their powers and duties; the term of their office and providing that this act shall go into effect upon its approval' approved August 30, 1927," which was approved on January 16, 1931, be, and the same is hereby repealed.

STATE OF ALABAMA, }
MARSHALL COUNTY, }

Before the undersigned Claud D. Scruggs, a Notary Public in and for said County and State personally appeared Y. Burke who being duly sworn deposes and says: That he is editor and published of the Guntersville Advertiser & Democrat, a newspaper published in Guntersville, Marshall County, Alabama, and that notice contained in the excerpt of said newspaper pasted to this page of intention to apply to the Legislature for the enactment of a law as shown in said notice, was published in said Guntersville Advertiser & Democrat once a week for four successive weeks without cost to the State, the first publication having been made in the issue of said newspaper on the 31 day of July, 1935, and the three subsequent publications having been made in the issues of said newspaper on the 7th day of August, 1935, the 14th day of August, 1935, and the 21st day of August, 1935, respectively.

Y. Burke.

Sworn to and subscribed before me this the 28th day of August, 1935.

(Seal)

Claud D. Scruggs,
Notary Public.

Also:

By Mr. Davis:

H. 409. To regulate the business and trade of plumbing in all counties of this State having a population of 80,00, or more, according to the last or any subsequent Federal Census, to create a Board to be known as the Board of Plumbers Examination and Registration of Alabama; to provide for the appointment of the members of said Board of Plumbers Examination and Registration of Alabama, and to provide for the appointment of successors of the members thereof, and for the organization of said Board and for the remuneration of the members and officers thereof; to specify the powers and duties of said Board of Plumb-

ers Examination and Registration and provide the ways and means of collecting funds for its maintenance and functioning; to define the terms "plumbing" "master plumber" and "journeyman plumbers" for the purposes of this Act; provide for the examination, registration and licensing of master plumbers and journeyman plumbers engaged, engaging or desiring to engage in the business or handicraft of plumbing within such counties and fix the fees to be assessed of applicants for examination, registration and licensing of such master plumbers or journeyman plumbers and for the renewals of such registration and licenses; to authorize and empower said Board of Plumbers Examination and Registration of Alabama to conduct investigation and hearings of and concerning violations of this Act and to grant unto said Board of Plumbers Registration and Examination the power and authority to revoke after hearing, any licenses issued by said Board on account of any violations or violation of any provision or provisions of this Act by any master plumber or journeyman plumber, who may violate any of the provisions of this Act, and to provide further penalties for any violation or violations of the provisions of this Act, and to provide for appeal to the various Circuit Courts of Alabama by any aggrieved person from any order, ruling, decree or revocation of such license by said Board of Plumbers Examination and Registration of Alabama and to provide for a seal and its use by said Board; and also to repeal all laws in conflict herewith.

Also:

By Mr. McDermott:

H. 979. For the relief of S. H. Smith, Clerk of the Circuit Court of Mobile County, Alabama, from certain irregularities charged against him in an audit made by the Examiner of Accounts for the State of Alabama and submitted to the Governor of the State of Alabama on to-wit: December 17th, 1934.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given, that at the present session of the Legislature of Alabama, a Bill will be introduced, and an effort made to have the same enacted into law, which Bill will provide in substance as follows:

A BILL TO BE ENTITLED AN ACT

For the relief of S. H. Smith, Clerk of the Circuit Court of Mobile County, Alabama, from irregularities charged against him in an audit made by the Examiner of Accounts for the State of Alabama and submitted to the Governor of the State of Alabama on December 17th, 1934.

Be it enacted by the Legislature of Alabama:

1. Whereas an audit was made of the accounts of S. H. Smith, Clerk of the Circuit Court of Mobile County, Alabama, (criminal division) by Louis

Bowen, Assistant Examiner of Accounts, for said State and submitted to the Governor of the State of Alabama on December 17th, 1934, which said audit covers a period of thirteen years and is the only audit made by the State of Alabama of said books in that length of time, and

Whereas in said audit the following charge was made against said Smith, as said Clerk, in favor of the State of Alabama for the reason hereinafter set out opposite said charge:

Charge No. 1—Two Hundred and Twenty (\$220.00) Dollars for collecting solicitor's fees of Ten (\$10.00) Dollars each in eleven cases in which solicitor's fees should have been Thirty (\$30.00) Dollars, and

Whereas in said audit the following charges were made against said Smith, as said Clerk, in favor of Mobile County, Alabama, for the reasons hereinafter set out opposite said charges:

Charge No. 2—One Thousand, One Hundred and Fifty-nine and 97.100 (\$1159.97) Dollars, five per cent commissions charged for collection of money for the use of Mobile County from the State of Alabama.

Charge No. 3—Eight Hundred and Forty-two and 50.100 (\$842.50) Dollars for fees charged in forfeiture cases.

Charge No. 4—One Thousand, One Hundred and Eleven and 75.100 (\$1111.75) Dollars in forfeiture cases in which the Clerk failed to charge five per cent Solicitor's fees under Section 3738 of the Code of 1923.

Charge No. 5—Twenty (\$20.00) Dollars for charging solicitor's fee of Ten (\$10.00) Dollars in one case in which the same should have been Thirty (\$30.00) Dollars, and

Whereas with reference to Charge No. 1 in favor of the State of Alabama, Charge No. 4 and No. 5 in favor of Mobile County, said charges resulting from a misunderstanding of the law and said Clerk having received no benefit therefrom; the same are hereby cancelled, and

Whereas with reference to the items and amounts composing Charges Nos. 2 and 3 in favor of Mobile County said Clerk has performed services for Mobile County in said matters, and

Whereas it is questionable as to whether there is sufficient warrant of law to allow and enable said County to pay said Smith for said services rendered therein, and

Whereas it appears to the Legislature that said Clerk should be entitled to fees for the services rendered in the performance of these duties for said County, the same having heretofore been paid to said Clerk, said charges are hereby cancelled and marked satisfied in full.

2. That this act shall take effect immediately upon its passage and approval.

PROOF OF PUBLICATION

STATE OF ALABAMA, }
COUNTY OF MOBILE, }
CITY OF MOBILE. }

Personally appeared before me, Greg L. Kenny, a Notary Public in and for Mobile County, Alabama, W. M. Fincher, who being first duly sworn, states that he is business manager of The Mobile Times and that the annexed publication has been regularly made once a week for 4 consecutive weeks, to-wit: On July 27, August 3, 10, 17, 1935 respectively, of The Mobile Times, a newspaper printed and published in the City and County of Mobile, and State aforesaid.

W. M. Fincher,
Bus. Mgr.
Sworn to and subscribed before me, this 17 day of Aug. A.D., 1935.
Greg L. Kenny,
Notary Public.

(Seal)

Also:

By Mr. Welch:

H. 954. To amend Section 6 of an Act approved March 10, 1933, entitled "An Act to provide for the designation by the Court of County Commissioners, Board of Revenue or like Governing Body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Board of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the county tax collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00, and in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims."

Also:

By Mr. Reeder:

H. 899. "To amend Section 145 of Article V, of an Act entitled 'An Act to Provide for the General Revenue of the State of Alabama', approved July 10, 1935".

Also:

By Mr. Harrison:

H. 911. To provide for a public corporation for the purpose of constructing or causing to be constructed public roads and bridges in this State; to prescribe its powers and duties and to provide for the raising of necessary funds for such purpose and to provide for the payment of the cost of construction of such roads and bridges and to borrow money and match Federal funds for public work construction and to issue bonds, warrants, assignments, transfers or securities and to contract with the State Highway Commission of Alabama, the Public Works Administration and any other branch of Federal Government or other authorities necessary to carry out the purposes of this Act.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 1037, 1060, 1059, 934, 932, 1055, 960, 1056, 1057, 958, 1074, 1081, 1064, 1066, 1065, 1076, 1073, 1072, 409, to the Committee on Local Legislation.

H. 654, to the Committee on Penitentiary and Penitentiary Punishment.

H. 976, to the Committee on Privileges and Elections.

House Bills 1069 and 954, to the Committee on Insurance.

House Bills 979 and 899, to the Committee on Finance and Taxation.

H. 911, to the Committee on Public Roads and Highways.

BILLS ON THIRD READING

The bill:

S. 77. To provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical industries; to create a Commission for the administration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act.

Was taken up.

Mr. Kelly offered the following substitute for said bill to-wit:

A BILL

To be entitled An Act to provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical industries; to create a Commission for the administration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers,

duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. **SHORT TITLE:** This Act may be referred to and cited as "The State Aviation Commission Act.

Section 2. **DEFINITIONS:** When used in this Act.

(a) "Aeronautics" means the act or practice of the art and science of transportation by aircraft, and operation, construction, repair or maintenance of aircraft, airports, landing fields, landing strips, air navigation facilities or air instruction.

(b) "Aircraft" means any contrivance now known or hereafter invented used or designed for navigation of, or flight in the air.

(c) "Public Aircraft" means aircraft used exclusively in the governmental services, or in the service of any state or territory thereof, including Military and Naval Aircraft.

(d) "Civil Aircraft" means any aircraft other than a public aircraft.

(e) "Airport" or "Airpark" means any area, either of land or water, which is used for or which is made available for the landing and take-off of aircraft, and which provides facilities for the shelter, supply and repair of aircraft, and which, as to size and design, has (1) at least 2000 feet of effective landing length in all directions, with clear approaches, and which field shall be in good condition for landing at all times, or has (2), three or more landing strips not less than 300 feet wide, permitting landing in at least six directions at all times, with at least one landing strip aligned with the general direction of the prevailing wind, the landing strips not to cross or converge at angles of less than 40 degrees, nor any of the landing strips to be less than 2000 feet in effective length with clear approaches or has (3) two landing strips, one aligned with the general direction of the prevailing wind, permitting at least 4-way landing at all times and having clear approaches, the landing strips to be at least 300 feet wide and at least 2,000 feet in effective length, and not to cross or converge at any angle less than 60 degrees; and which in any case hereinbefore mentioned, meets the minimum requirements as to surface, marking, equipment, and management as may from time to time be provided, by the State Aviation Commission.

(f) "Landing Field" means any area, either of land or water which is used or which is made available for the landing and take-off of aircrafts, which may or which may not provide facilities for the shelter, supply and repair of aircraft, and which meets the minimum requirements as to size, design, surface marking, equipment and management as may from time to time be provided by the State Aviation Commission.

(g) "Landing Strip" means an area, either of land or water, which is available for the landing and take-off of aircraft, having not less than 200 feet of usable width and not less than 1,500 feet of usable length, the use of which shall, except in case of emergency, be only as provided from time to time by the regulations of the State Aviation Commission.

(h) "Person" means any individual, association, co-partnership, firm, company, corporation, or other association of individuals.

(i) "Air Instruction" means the imparting of aeronautical information in any air school, flying club, or by any aviation instructor.

(j) "Air School". Any person engaged in giving instruction, or offering to give instruction in aeronautics—either in flying or ground subjects, or both—for or without hire or reward, and advertising, representing, or holding himself or itself out as giving or offering to give such instruction, shall be termed and considered an "air school."

(k) "Flying Club". Any person (other than an individual) who, neither for profit nor reward, owns, leases, or uses one or more aircraft for the purpose of instruction, pleasure, or both, shall be termed and considered a "Flying Club."

(l) "Aviation Instructor" means any individual engaged in giving instructions or offering to give instruction, in aeronautics—either in flying or ground subject, or both—for or without hire or reward, without advertising such occupation, without calling his facilities an "Air School" or anything equivalent thereto, or without employing or using other instructors.

(m) "Airmen". The term "Airmen" means any individual (including the person in command and any pilot, mechanic or member of the crew) who engages in the navigation of aircraft while under way, and of any individual who is in charge of inspection, overhauling or repairing of aircraft.

(n) "Air Navigation Facility". The term "Air Navigation Facility" includes any airport, airpark, intermediate landing field, light or other signal structure, air-marking, radio direction finding facility, radio or other electrical communication facility, and any other structure or facility used as an aid to air navigation.

(o) "Airways". The term "Airways" means a route in the navigable air space designated by the Secretary of Commerce of the United States or the State Aviation Commission, as a route suitable for interstate, intra-state or foreign air service or travel.

(p) "Operator" means any person engaged in aviation or aeronautics rendering or offering to render service to the public.

(q) "Fixed Base Operator" means any person or firm engaged in aviation or aeronautics, rendering or offering to render

service to the public, maintaining headquarters at any fixed point, and maintaining an office or established aviation business at said point. Such business shall offer one or more of the following services: Passenger carrying, charter service, flying school of instruction, airplane sales and service. Fixed-base operators are distinguished from operators in that this description is not meant to cover the operator who merely stores his airplanes on a certain field and does most of his or their business by traveling from place to place.

(r) "Airways-Highways": For the purpose of the administration of this Act, all airways' facilities, airports, air-markings, air beacons, and all such equipment as are used in connection with same are hereby defined as highways and airways' equipment.

Section 3: STATE AVIATION COMMISSION:

There is hereby created a State Aviation Commission which shall be and is herewith designated as the "Aviation Division" of the State Highway Department.

The State Aviation Commission shall be composed of five members who shall be known as the State Aviation Commission. The Chairman shall be ex-officio a member of the State Highway Commission in so far as matters relating to aviation and aeronautics are concerned. The State Aviation Commission shall be appointed by, and serve at the pleasure of the Governor, and said Aviation Commission will serve without compensation.

The State Aviation Commission shall be qualified as follows:

One Commissioner shall be appointed from the fixed-based operator of the State, he having been in the business as such for a period of one year next preceding his appointment. He also must have been a licensed pilot at the Grade of Transport, licensed by the Department of Commerce, Bureau of Air Commerce for at least three years next preceding his appointment and shall have at least one thousand certified hours in the air and if said operator should discontinue his business as a fixed-based operator during his tenure in office said discontinuance shall automatically remove him from office.

One Commissioner shall be appointed from the private airplane owners of the State. Said Commissioner shall have owned an airplane, licensed by the Department of Commerce, Bureau of Air Commerce, for at least one year next preceding his appointment. He also must have been a pilot licensed by the Department of Commerce, Bureau of Air Commerce of a grade not less than private pilot of a period of at least one year next preceding his appointment and shall have not less than five hundred certified hours in the air. If said Commissioner shall change his status by discontinuing to be either a non commercial

owner or licensed pilot for a period of more than six months at any one time during his tenure in office, he shall automatically be removed from office.

One Commissioner shall be appointed from the airport managers of the State. He shall be a full-time manager of a regular established airport, as defined by this Act, in the State of Alabama. If during his tenure in office he shall discontinue his connection as airport manager as described heretofore said discontinuance shall automatically remove him from office.

One Commissioner shall be appointed from the State at large who holds or has held an officially recognized pilot's rating in the armed forces of the United States.

One Commissioner shall be appointed from the State at large.

All Commissioners shall be qualified voters of the State of Alabama.

The Chairman of the Commission shall be appointed by the Governor.

Section 4: POWERS AND DUTIES OF COMMISSION: ORGANIZATION: SEAL: MEETINGS:

The State Aviation Commission shall, within thirty days after its appointment, organize, adopt a seal for the commission and make such rules and regulations for the administration of the commission not inconsistent herewith as it may deem expedient, and may from time to time amend such rules and regulations.

The Commission shall at this time set date and place for annual meeting at which time the Commission shall meet and consider all matters proper to be presented before them and other things for their action and decision.

Three members shall compose a quorum.

Special meetings may be called either by the Governor or the Chairman of the Commission, or by any three members of the Commission, by mailing to each Commissioner a notice to his last known address ten days prior to the meeting date. All regular and special commission meetings shall be open to the public and ten days notice shall be given to all registered companies, corporations, or individuals, by mailing to their registered address notice of such meetings. All decisions shall be made by a majority vote of the Commissioners present at any meeting.

The said Commission shall report in writing to the Governor on or about December 1, of each year, and said report shall contain a summary of its proceedings during the year, a detailed and itemized statement of all the revenues and expenditures made by or in the behalf of the Commission, and such other information as the Commission may deem necessary or useful and any

additional information which may be requested by the Governor.

The Fiscal Year of the Commission shall conform to the Fiscal Year of the State.

Section 5: POWERS AND DUTIES OF COMMISSION: EMPLOYEES:

The Commission shall appoint and employ as a full-time executive, a Director of Aeronautics. The Commission may employ such additional clerical and other employees and assistants as it may deem necessary for the proper transaction of its business, and shall fix all salaries of employees of the Commission, subject to the approval of the Governor.

The Director of Aeronautics shall hold a rating as a pilot from the Department of Commerce, Bureau of Aeronautics, of the Grade of Transport, before his appointment becomes effective. The Director shall be a qualified voter of the State of Alabama and shall be more than twenty-seven years of age and shall have at least one thousand certified hours in the air. The Commission shall have the power to delegate to the director or other employees of the commission any and all powers invested in the commission by this act.

The Commission, Aeronautical Advisors and employees of the Commission shall be reimbursed for all actual and necessary traveling expenses and disbursements incurred by them in the discharge of their official duties authorized by the Commission.

The Commission shall also have the power and authority to purchase, lease, hire, or otherwise obtain, and to maintain and operate such equipment (including airplanes), apparatus, materials or supplies as may be deemed by the Commission necessary or convenient to the effectuation of the purposes of this Act, subject to the approval of the Governor.

Section 6: POWERS AND DUTIES OF COMMISSION: OFFICE AND EXPENSES:

The State shall provide suitable offices for the Commission in such city, as the Commission may designate and the Governor may approve and may incur the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the enforcement of this Act, and the general promotion of aeronautics within the State.

Section 7: POWERS AND DUTIES OF COMMISSION: PROMULGATION OF RULES AND REGULATIONS:

It shall be the duty of the Commission to foster air commerce within the State of Alabama and the Commission shall have the supervision over the following:

All air markings within the State with the exception, that is not to have supervision over any air markings established or under any supervision of the Department of Commerce.

Power to adopt as a state rule any rule adopted by the Department of Commerce, Bureau of Aeronautics.

Power to prescribe such rules and regulations as it may deem necessary for the regulation of airplanes and pilots not licensed by the Department of Commerce, Bureau of Aeronautics.

No rules or regulations prescribed by the Commission under the authority of this section shall be inconsistent with the then current Federal legislation governing aeronautics and the regulations duly promulgated thereunder.

Section 8: AIRCRAFT: CONSTRUCTION: DESIGN AND AIRWORTHINESS: FEDERAL LICENSE:

It shall be unlawful for any person to operate, or pilot, or navigate, or cause or authorize to be operated, piloted, or navigated, any aircraft within the State unless such aircraft has an appropriate effective license, issued by the Department of Commerce of the United States or shall have obtained a State permit from the Aviation Commission which permit will limit the activities of such airplane provided however, that no passenger shall be carried in an unlicensed airplane within the State. The Commission may, at his discretion, grant a waiver on passenger carrying, but not for hire or reward. It is further provided that the foregoing restrictions shall not apply to public aircraft of the United States, or public (Military) or Naval aircraft of any State, territory or possession thereof, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.

Section 9: QUALIFICATIONS OF PILOTS: FEDERAL LICENSE:

Any person engaging within this State in navigating aircraft in any form of navigation, shall have the qualifications necessary for obtaining and holding a pilot's license issued by the Department of Commerce of the United States, it shall be unlawful for any person to pilot any aircraft in this State, unless such person is the holder of a correct effective pilot's license issued by the Department of Commerce of the United States or State permit; Provided, however, that this restriction shall not apply to those persons operating public aircraft of the United States, or public Military or Naval aircraft of any State, territory, or possession thereof or operating any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operating of such licensed aircraft.

Section 10: POSSESSION AND DISPLAY OF LICENSE: BURDEN OF PROOF:

The certificate of the license or permit required for pilots shall be kept in the personal possession of the licensee when he is operating aircraft within this State and must be presented for in-

spection upon the demand of any passenger, or any peace officer of the State, any authorized official person in charge of any airport in this State upon which he shall land, or upon the reasonable request of any person. The aircraft license, or permit, must be carried in the aircraft at all times and must be conspicuously posted therein where it may readily be seen by passengers or inspectors; and such license must be presented for inspection upon the demand of any passenger, any peace officer of this State, any authorized official or employee of the State Aviation Commission or any official, manager or person in charge of any airport in this State upon which it shall land, or upon the reasonable request of any other person. In any criminal prosecution under any of the provisions of this Act, a defendant who relies for his justification upon a license of any kind shall have the burden of proving that he is properly licensed, or is the possessor of a proper license, as the case may be, and a certificate from the Aviation Commission or its duly authorized agent stating that a diligent search has been made in the records of its office and that from their records it appears that no such license was issued up to the date of making such certificate shall be prima-facie evidence that no license or permit has been issued.

**Section 11: POWERS AND DUTIES OF COMMISSION:
ENCOURAGEMENT:**

The Commission shall assist in the development of aviation and aviation facilities within the State for the purpose of safeguarding the interests of those engaged in all phases of the industry and of the general public, and of promoting aeronautics. Accordingly, the commission is empowered to expend any or all monies allocated to, and deposited in the State Aviation Fund, for the acquisition or enlargement by purchase, grant, lease, condemnation, or other means, and for the construction, operation and maintenance of, airports, airparks, landing fields, or emergency landing strips within this State for air marking, and/or for other aeronautical facilities or services within this State, for the safety and advancement of aeronautics, which shall include the joint establishment or provision for such aeronautical facilities or services in the cooperation with other State or Federal Department or with other political subdivisions of this State. Whenever, in the judgment of the Council, Commission or other governing body, of any county and/or municipality of this State, it shall appear necessary or expedient for such county and/or municipality of this State, it shall appear necessary or expedient for such county and/ municipality to acquire privately owned land for airports and/or airparks uses, either within or without the geographical limits thereof, such county and/or municipality shall have power to acquire the same in fee simple by exercise of the right of eminent domain, by purchase or by gift. Each such county and/or

municipality shall also have the power to acquire for a term of years a lease or leases on land for airport and/or airpark uses. In the event any county and/or municipality shall resort to condemnation proceedings for the acquisition of lands for airport and/or airpark uses, such proceedings shall be governed in all respects by the laws of this State applicable to the condemnation by such county and/or municipality of lands for other public purposes; provided further, however, that such county or municipality upon the passage of proper and regular Resolutions and/or Ordinances authorizing such action may provide all or part of the cost of lands so acquired for airport and/or airpark uses by giving as security a regular mortgage on the lands so acquired.

Section 12: POWERS AND DUTIES OF COMMISSION: REGISTRATION:

The Commission shall have the power to make such reasonable rules and regulations governing and requiring the registration of all pilots, airplane owners, and operators of regular established airports, airparks, schools, and such other air navigation facilities as the Commission may deem necessary with the Commission, and to furnish such information as may be designated on forms prescribed by the Commission.

All permits and/or certificates issued by the Commission shall be on forms prescribed by the Commission, which shall be furnished to the Commission on its order at the expense of the State Aviation Fund. Duplicate permits or certificates may be issued to airmen or aircraft upon affidavit of the airmen or aircraft owner or leasee to whom original was issued that same has been lost or destroyed. The form, or application, or certificate, shall be the same as for an original permit or certificate.

Under no condition is any fee charged for the foregoing services.

Section 13: POWERS AND DUTIES OF COMMISSION: INVESTIGATIONS AND HEARINGS:

The Commission or any Commissioner, or officer of the Commission designated by the Commission, shall have the power to hold investigations, inquiries and hearings concerning matters covered by the provisions of this Act, and all accidents in aeronautics within this State. All hearings conducted by the Commission shall be open to the public. Each Commissioner, and every officer of the Commission designated by it, to hold any inquiry, investigation, or hearing, shall have the power to administer oaths and affirmation, certify to all official acts, issue subpoenas, compel the attendance and testimony of witnesses, and the production of papers, books, and documents. In case of failure to comply with any subpoena or order issued under authority of this Act, the State Aviation Commission, or its authorized representative, may invoke the aid of any County or Circuit or Superior Court in this

State. This court may thereupon order the witness to comply with the requirements of the subpoena or order to give evidence touching the matter in question. Any failure to obey the order of said court may be punished by the court as contempt thereof.

Section 14: POWERS AND DUTIES OF COMMISSION: INVESTIGATIONS AND HEARINGS: RECORDS AND TESTIMONY:

In order to facilitate the making of investigations by the State Aviation Commission, in the interest of the public safety and the promotion of aeronautics the public interest requires and it is therefore provided that the reports of investigations or hearings, or any part thereof, or any testimony given thereat, shall not be admitted in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in said investigation, hearings, or report thereof, except in case of criminal or other proceedings instituted by or in behalf of the Commission under the provisions of this Act, nor shall any commissioner or employee of the State Aviation Commission be required to testify to any facts ascertained in, or information gained by reason of, his official capacity, and, further, no commissioner or employee of the State Aviation Commission shall be required to testify as an expert witness in any suit action or proceeding involving any aircraft. Copies of all records and papers in the office of the Commission, duly certified and authenticated by the seal of said Commission shall be received in evidence in all courts equally and with like effect as the original.

Section 15: POWERS AND DUTIES OF COMMISSION: REGULATIONS FILED FOR INSPECTION: REPORT:

The Commission shall keep on file with the Secretary of State, and at the principal office of the Commission, a copy of all its rules and regulations for public inspection. On or before the thirty-first day of December, in each year, the Commission shall make to the Governor a full report of its proceedings for the year ending the first day of December in each year, and may submit with such report such recommendations pertaining to its affairs as seem to it to be desirable.

Section 16: POWERS AND DUTIES OF COMMISSION: ENFORCEMENT COOPERATION:

It shall be the duty of the Commission, its members and employees, and every county and municipal officer charged with the enforcement of State and municipal laws, to enforce, and assist in the enforcement of this Act. The Commission is further authorized in the name of the "People of the State of Alabama" to enforce the provisions of this Act by injunction in the District Courts of this State. Other Departments and political subdivisions of the State are further authorized to cooperate with the State Aviation Commission in the development of aeronautics and aero-

nautic facilities within the State. It shall be the duty of the Commissioner and all employees and/or appointees of the Aviation Commission to cooperate to the fullest extent with all Law Enforcement Bodies or Departments of the State in enforcing the Laws of the State. Every peace officer of the State shall also be charged with additional duty of the enforcement of this Act, and the Commission by the terms of this Act shall be commissioned by the Governor as "Special Aeronautical Officers" and it shall be his duty to enforce the provisions of this Act and to make arrest of persons violating this Act, and shall have the same powers with reference to the enforcement of this Act as any other peace officer of the State. The Commission shall appoint Deputies, and may remove them at any time, to assist in the enforcement of this Act. Such Deputies shall be known as "Deputy Special Aeronautical Officers", and shall be required to pass an examination based on existing air laws and regulations prescribed by the Commission. The number of deputies so appointed shall not exceed seventy-five in number and at least one appointment as deputy shall be allotted to each County of the State and further neither the "Special Aeronautical Officers" nor their Deputies shall be entitled to any compensation for said duties. Said Special Aeronautical Officers and their Deputies shall, before entering into the duties of their respective offices, give bond with surety in the amount of One Thousand Dollars to be approved by the Secretary of State payable and conditioned as provided in Section 2595 of the Code of Alabama, 1923 and such bonds shall be recorded in the office of the Secretary of State, the premium on said bonds shall be paid by the Commission.

Section 17: PROCEDURE FOR APPEAL:

Any person, firm, or corporation, against whom an adverse ruling of any description has been made by the Commission, or its duly constituted agents, may file a written request with the State Aviation Commission at its office asking for a rehearing on the subject matter. If such request is made in writing within ninety days of such adverse ruling the Commission may either grant or refuse a hearing or in case of further adverse ruling. If the Commission shall refuse a hearing the person, firm, or corporation, may then within ninety days file a precipe in the office of the clerk of the Circuit or Superior Court, and summons shall thereupon be issued by the clerk and shall be served upon the State Aviation Commission. Upon the filing of the precipe, the appeal shall be docketed for trial not less than ten days nor more than thirty days, after the service of the summons, and shall be tried by the Circuit or Superior Court without formal pleadings in term, time, or in vacation. Upon trial of the appeal the court shall hear evidence as to matters concerning the order in question, as to the condition of

the property in question and the manner of its operation, and shall enter judgment either in affirming or setting aside the order of the Commission, or the court may remand the matter to the commission for further hearing. The filing of the precipe shall operate as supersedeas.

Section 18: FAILURE TO FILE APPEAL: WAIVER:

If no appeal is taken from the order of the commission within the period fixed, the party against whom the order was entered, shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and there shall be no trial of that issue in any court in which suit may be instituted for the penalty for failure to comply with the order.

Section 19: PENALTY:

Any person failing to comply with the requirements of, or violating any of the provisions of this Act, or the rules and regulations, for the enforcement of this Act made by the State Aviation Commission, shall be guilty of a misdemeanor and punishable by a fine of not more than one hundred dollars or by imprisonment for not more than one month, or both, and or revocation of permit.

Section 20: STATE AVIATION FUND:

There is hereby created a fund to be known as the "State Aviation Fund", and there is hereby appropriated out of the general funds of the State not otherwise appropriated the sum of \$15,000.00. And there shall also be credited to the State Aviation Fund any additional funds or monies that may be approved by the Governor and/or provided for by legislative action now or hereafter. The Commission is authorized to receive grants, donations, gifts, and loans of funds, monies and/or equipment, materials and services, from the Federal, State, County and/or Municipal Government and/or their agencies, or from private individuals, companies etc., provided that a record of all such grants, donations, etc., shall be kept by the commission and provided further that all funds received in such manner shall be paid into the State Treasury and credited to the State Aviation Fund and disbursed as provided for in this Act. All funds now or hereafter credited to the "State Aviation Fund", are hereby appropriated for the use of the Commission in the effectuation of the purposes of this Act; provided no funds shall be disbursed under this Act until first approved by the Governor of Alabama.

Section 21: SEPARABILITY:

If any provision of this Act is declared unconstitutional the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be effected thereby.

Section 22. REPEAL:

All Acts or parts of Acts which are inconsistent with the provisions of the Act are hereby repealed.

Section 23. TIME TAKING EFFECT:

This Act shall take effect immediately upon its approval by the Governor.

Which was adopted.

Yeas, 16; Nays, 9.

Yeas:

Messrs.:

Browder	Kuykendall	Riddle	Taylor
Chesnut	Mixon	Rogers (Mobile)	Tucker
Glover	Mooneyham	Simpson	Walton
Kelly	Parrish	Swift	Woodall

—16

Nays:

Messrs.:

Bonner	Goldsmith	McDowell	Stephens
Carlton	Locke	Russell	Walden
Dorsey			

—9

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 15; Nays, 9.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Tucker
Chesnut	Mooneyham	Simpson	Walton
Glover	Parrish	Swift	Woodall
Kelly	Rogers (Mobile)	Taylor	

—15

Nays:

Messrs.:

Bonner	Goldsmith	Mixon	Stephens
Carlton	Locke	McDowell	Walden
Dorsey			

—9

The bill:

S. 430. To amend Section 8 of an Act of the Legislature approved August 27, 1935, entitled "An Act to create a State Department of Public Welfare to provide for a State Board of Public Welfare for the government thereof; to prescribe its powers and duties; to provide for the appointment of a Commissioner as Executive Officer and for the appointment of other employees, their compensation and the maintenance and other expenses of the State Department of Public Welfare; to transfer to the State Department of Public Welfare all the powers, duties, and obligations now vested in and relating to the State Child Welfare Department, except the administration of the State Child Labor Law, which may now or hereafter be transferred to the Department of Labor in the event such department be established; to transfer to the State Department of Public Welfare all those duties having to do prim-

arily with the determination of need and authorization of relief now performed by the Alabama Relief Administration; to empower the State Department of Public Welfare to administer all public assistance funds, Child Welfare funds, and all funds appropriated by the Legislature to the State Department of Public Welfare for the purposes for which they are appropriated; to authorize The State Department of Public Welfare to act as agent for and to cooperate with any Federal or State Agency or enactment now or hereafter provided by law for the purpose of rendering public assistance and services through any of the bureaus herein created; to authorize the State Board of Public Welfare to create such other bureaus and divisions within the purview of this Act as may be necessary for its administration and to prescribe rules and regulations governing the same; to authorize the State Board of Public Welfare to prescribe adequate standards of education, training and experience which must have been attained by persons selected for the positions to be filled in each of the bureaus and divisions of the State Department of Public Welfare and in the several county departments of public welfare; to authorize the State Board of Public Welfare to issue certificates to such persons as may meet the qualifications prescribed; to provide a mental hygiene program of non-institutional care; to authorize the State Department of Public Welfare to collect statistics and other information relative to public welfare and to make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for public assistance, family welfare, child welfare, and other welfare activities; to create county departments of public welfare and to provide for county boards of public welfare for the government thereof; to prescribe the powers and duties; to transfer to the County Boards of public welfare and the county departments of public welfare all rights, duties, powers and obligations of the present county child welfare boards; to authorize the county departments of public welfare, operating under the county boards of public welfare, to act as agents for and to cooperate with any Federal, State or County agency or enactment now or hereafter provided by law for the purpose of rendering public assistance, family welfare service and child welfare services; and to repeal all laws in conflict herewith."

Was taken up:

Mr. Simpson offered the following amendment to said bill to-wit:

Amend Senate bill 430 by striking therefrom the following language: "Provided, further, that no power herein conferred, shall be so exercised as to impair or infringe the powers, authorities, and functions of the board and officers governing and controlling charity hospitals or alms houses in counties having a population

of 300,000 or more according to the last or any subsequent Federal Census", where the same occur together therein, and insert in lieu thereof the following: "Provided, further, that no power herein conferred shall be so exercised as to impair or infringe the powers, authorities and functions of the boards and officers governing and controlling City, County or State charity hospitals or almshouses."

Which was adopted.

Yeas, 22; Nay, 1.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift	
Browder	Kuykendall	Rogers (Mobile)	Taylor	
Carlton	Locke	Russell	Tucker	
Chesnut	Mixon	Simpson	Walden	
Glover	Mooneyham	Stephens	Walton	
Goldsmith	McDowell			—22

Nay: Mr. Parrish

—1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nay, 1.

Yeas:

Messrs.:

Bonner	Goldsmith	Parrish	Swift	
Browder	Kelly	Riddle	Taylor	
Carlton	Kuykendall	Rogers (Mobile)	Tucker	
Chesnut	Locke	Russell	Walden	
Fletcher	Mixon	Simpson	Walton	
Glover	McDowell	Stephens	Woodall	
				—24

Nay: Mr. Dorsey

—1

The bill:

H. 369. Relating to, regulating and requiring a pre-qualification and classification of bidders on public improvements.

Was read a third time at length and passed.

Yeas, 21; Nay, 1.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Taylor	
Browder	Mixon	Russell	Tucker	
Carlton	McDowell	Simpson	Walden	
Chesnut	Parrish	Stephens	Walton	
Dorsey	Riddle	Swift	Woodall	
Glover				—21

Nay: Mr. Locke

—1

The bill:

S. 429. For the relief of the people of the Town and Community of Kennedy, in Lamar County, Alabama, composing Kennedy School District No. 1.

Was taken up.

Mr. Kuykendall offered the following substitute for said bill, to-wit:

A BILL

To be entitled An Act for the relief of the people of the Town and Community of Kennedy, in Lamar County, Alabama, composing Kennedy School District No. 1.

Whereas, the people of the Town and community of Kennedy, in Lamar County, Alabama, composing Kennedy School District No. 1, during the year 1927, being desirous of erecting and constructing a building for the Grammar and High School, applied to the State of Alabama, through the regular channels, for aid, as provided by law under the circumstances; and,

Whereas, the people of said Town and community understood that they would receive as such aid the sum of \$10,500.00, and acting on said understanding proceeded to procure the construction of a building for such school, the plans, materials and specifications all being approved by the State Department of Education; and,

Whereas, the State only provided aid in the amount of \$5,250.00, being one-half of what was expected; and,

Whereas, a very much greater sum was required for the completion of said building than was anticipated and the people continued to contribute; and,

Whereas, a large number of said people of said town and community, not having the funds on hand, proceeded to borrow substantial sums and continued to support the project until the building and plant were completed; and,

Whereas, the failure of the State to supply the full amount expected, and which the people had the right to expect and rely on, has caused great burdens to come; and,

Whereas, it is felt and believed that the State should carry out its moral obligation to these people by providing the remainder of the sum of \$10,500.00 as anticipated by the people of said community; and,

Whereas, the people are not advised of any other ways of procuring this remedial aid except by an act of the Legislature:

NOW THEREFORE, be it enacted by the Legislature of the State of Alabama, as follows:

SECTION 1. That for the relief of the people of the town and community of Kennedy, Lamar County, Alabama, composing Kennedy School District No. 1, referred in the preamble above,

there be, and is hereby appropriated the sum of \$5,250.00 out of the educational funds of Lamar County, Alabama.

SECTION 2. That the County Board of Education of Lamar County, Alabama, is hereby authorized, directed, and required to appropriate and pay said amount of \$5,250.00 out of the Capital outlay funds of said County upon the order of the Board of Trustees of Kennedy School District Number One, Lamar County, Alabama.

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Riddle	Taylor
Browder	Kuykendall	Rogers (Mobile)	Tucker
Carlton	Locke	Russell	Walden
Chesnut	Mixon	Simpson	Walton
Dorsey	McDowell	Stephens	Woodall
Glover	Parrish	Swift	

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Swift
Browder	Goldsmith	Riddle	Taylor
Carlton	Kuykendall	Rogers (Mobile)	Tucker
Chesnut	Locke	Russell	Walden
Dorsey	Mixon	Simpson	Walton
Fletcher	McDowell	Stephens	Woodall

—24

Nays:—None.

The bill:

H. 706. To amend Section 5076 of the 1923 Code of Alabama.

Was taken up.

Mr. Woodall moved that said bill be indefinitely postponed.

Mr. Bonner moved to table the motion to postpone, which motion was lost.

Yeas, 11; Nays, 12.

Yeas:

Messrs.:

Bonner	McDowell	Simpson	Walden
Dorsey	Parrish	Thomas	Walton
Fletcher	Rogers (Mobile)	Tucker	

—11

Nays:

Messrs.:

Browder	Goldsmith	Mooneyham	Stephens
Carlton	Kuykendall	Riddle	Taylor
Chesnut	Mixon	Russell	Woodall

—12

And the motion of Mr. Woodall to indefinitely postpone said bill was also lost.

Yeas, 8; Nays, 17.

Yeas:

Messrs.:

Browder	Chesnut	Mooneyham	Stephens
Carlton	Mixon	Riddle	Woodall

—8

Nays:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Dorsey	Locke	Russell	Tucker
Fletcher	McDowell	Simpson	Walden
Glover	Parrish	Taylor	Walton
Goldsmith			

—17

Mr. Bonner offered the following amendment to said bill to-wit:

Amend H. B. No. 706 by striking the word "second" where the same appears in the bill, and substituting therefor the word "fourth".

Which was adopted.

Yeas, 17; Nays, 6.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Russell	Tucker
Dorsey	McDowell	Simpson	Walden
Fletcher	Parrish	Taylor	Walton
Glover			

—17

Nays:

Messrs.:

Chesnut	Mooneyham	Stephens	Woodall
Mixon	Riddle		

—6

Mr. Woodall offered the following amendment to said bill to-wit:

Amend House Bill 706, Section 1, by striking out the words "either by blood or marriage within the fourth degree" where they appear together therein, and substitute therefor the words "by blood within the fourth degree."

On motion of Mr. Dorsey, said amendment was laid on the table.

Yeas, 17; Nays, 7.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Russell	Tucker
Dorsey	McDowell	Simpson	Walden
Fletcher	Parrish	Taylor	Walton
Glover			

—17

Nays:

Messrs.:

Carlton	Mixon	Riddle	Woodall
Chesnut	Mooneyham	Stephens	

—7

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 18; Nays, 6.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Chesnut	Locke	Simpson	Walden
Dorsey	McDowell	Taylor	Walton
Fletcher	Parrish		

—18

Nays:

Messrs.:

Carlton	Mooneyham	Stephens	Woodall
Mixon	Riddle		

—6

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the following House bill:

By Messrs. Glover & Parrish (Henry):

H. 429. To create and provide for a Purchasing Agent for Henry County, Alabama, dealing with and having reference to all purchases for the use of said County, where said purchase or purchases would be a charge against the General Funds of the County; naming the Probate Judge as such Purchasing Agent, and requiring him to serve without compensation; prescribing his powers, authority and duties; requiring all County officials to make requisition to said Purchasing Agent for all supplies of every kind and description, including stationary, books, dockets and records needed by them in the discharge of their official duties; requiring the sheriff of the County and the keeper or superintendent of the County alms house to requisition for all supplies of every kind and description, needed about the County jail and the County alms house, such supplies to be purchased by and through said Purchasing Agent, requiring that all purchases for the County, where same is to be paid for from the General Funds of the Coun-

ty, shall be made by said Purchasing Agent; and to provide penalties for the violation of this Act.

Said Conference Report being in words and rigures as follows: To the Senate and House of Representatives:

We, the conferees appointed on the disagreement beteewn the two Houses on House Bill 429, recommend as follows:

First: That the Senate recede from its amendments to said Bill.

Second: That the Senate pass the said Bill after the said amendments have been withdrawn.

(Signed) D. A. WALDEN,
J. A. SIMPSON
Conferees on part of the Senate.
LESTER GLOVER
W. C. HARRISON
J. A. PARISH
Conferees on part of the House.

And said bill, H. 429, as amended by the Report of the Committee of Conference was again read a third time at length and passed.

And said bill, H. 429, together with the Report of the Committee of Conference, is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walden, the Senate concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to H. 429, the title of which and said Conference Report is set out in the foregoing Message from the House.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Glover	McDowell	Stephens	Wellborn
Goldsmith	Parrish	Swift	Woodall
Kelly	Riddle		

—26

Nays:—None.

And said bill, as thus amended by the Report of the Committee of Conference, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Glover	McDowell	Stephens	Wellborn
Goldsmith	Parrish	Swift	Woodall
Kelly	Riddle		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Staples:

H. 501. To repeal an Act entitled, "An Act to Prohibit the State of Alabama, the State Docks Commission, or any other agency or commission of the State, from granting any exemption from any State, county or municipal taxation; and to modify or repeal any Act or Acts contrary to the Provisions hereof." (Approved August 4, 1931).

Also:

By Mr. Staples:

H. 761. To give to the State Docks Commission full power to establish a Foreign Trade Zone as defined by the Laws of the United States, and to give the said Commission power to comply with the Laws, Rules and Regulations prescribed by the Federal Government for the establishment of such zones.

Also:

By Mr. Propst:

H. 1044. To define "Hospital Executives" and to provide for registration of the same.

Also:

By Mr. Robertson (Cullman):

H. 921. To amend Schedule 158.3 of Section 348, in Chapter 6 of Article XIII, of an Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to provide for the General Revenue of the State of Alabama".

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 501, to the Committee on Seaports.

H. 761, to the Committee on Seaports.

H. 1044, to the Committee on Public Health.

H. 921, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the following House bill:

By Mr. Hare:

H. 856. To relieve Tax Assessors in all Counties in Alabama which now have, or which may hereafter have a population of not less than fifty-four thousand and not more than sixty-four thousand two hundred according to the last Federal Census, or any such census which may be taken hereafter, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as a permanent record and prepare Tax Collectors Abstracts from said assessment lists.

Said Conference Report being in words and figures as follows: To the Senate and House of Representatives:

We, the conferees on the disagreement of the two Houses on House Bill 856, recommend as follows:

First: That the Senate recede from its amendment to said Bill.

Second: That the Senate pass the Bill after its amendment has been withdrawn.

(Signed) EDGAR P. RUSSELL
S. S. FLETCHER

Conferees on part of the Senate.

JOHN C. COLEMAN
AUBREY DOMINICK
JAS. A. HARE, JR.

Conferees on part of the House.

And said bill, H. 856, as amended by the Report of the Committee of Conference was again read a third time at length and passed.

And said bill, H. 856, together with the Report of the Committee of Conference, is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, the Senate concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to H. 856, the title of which and said Conference Report is set out in the foregoing Message from the House.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Carlton	Mixon	Simpson	Tucker
Cook	Mooneyham	Starnes	Walden
Fletcher	McDowell	Stephens	Walton
Glover	Parrish	Swift	Wellborn
Goldsmith	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

And said bill was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Carlton	Mixon	Simpson	Tucker
Cook	Mooneyham	Starnes	Walden
Fletcher	McDowell	Stephens	Walton
Glover	Parrish	Swift	Wellborn
Goldsmith	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the following House bill:

By Mr. Dominick:

H. 871. To create a Board to be known as the "State Board of Adjustment"; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor.

Said Conference Report being in words and figures as follows: To the Senate and House of Representatives of the State of Alabama:

The undersigned Committee appointed on conference on the disagreement of the two Houses of the Legislature on the Senate Amendments to the House Bill 871 do report and recommend as follows:

That Section One of said substitute bill be amended so as to read as follows:

Section 1. There is hereby created a Board to be known as "The State Board of Adjustment" to be composed of the State Treasurer, the Secretary of State and the State Comptroller. The Chairman and Secretary shall be selected by the Board from its membership. The Attorney General shall attend the meetings of the Board and represent the State of Alabama in all proceedings before said Board.

We further recommend that the Senate recede from the amendments adopted by the Senate.

We further recommend that the Bill when amended as herein suggested be adopted by both Houses of the Legislature.

Respectfully submitted,

(Signed) AUBREY DOMINICK
GEO. BLISS JONES
CHAS. E. SHAVER.

Conferees on the Part of the House.

J. L. KELLY
J. A. SIMPSON
HAYSE TUCKER

Conferees on the Part of the Senate.

And said bill, H. 871, as amended by the Report of the Committee of Conference was again read a third time at length and passed.

And said bill, H. 871, together with the Report of the Committee of Conference, is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Tucker, the Senate concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 871, the title of which and said Conference Report is set out in the foregoing Message from the House.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Tucker
Carlton	Mixon	Rogers (Mobile)	Walden
Chesnut	Mooneyham	Russell	Walton
Dorsey	McDowell	Simpson	Woodall
Fletcher	Parrish	Taylor	

—19

Nays:—None.

And said bill, as thus amended by the Conference Report, was again read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Taylor
Carlton	Kuykendall	Riddle	Tucker
Chesnut	Mixon	Rogers (Mobile)	Walden
Dorsey	Mooneyham	Russell	Walton
Fletcher	McDowell	Simpson	Woodall

—20

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Reid:

H. 732. To regulate the occupation and practice of Cosmetology in the State of Alabama; to establish a Board of Cosmetology in said State; to define the duties of such Board, the election of officers and their duties; provide for the salaries of such Board and employees of such Board; to define what shall constitute the practice of Cosmetology in Alabama; to set up qualifications for students; to set up rules for the admission to practice Cosmetology and licenses to operate shops and schools in the State; to provide for sanitary regulations for the protection of the public; to provide for the refusal or revocation of license in said State; to provide for the renewal of licenses in the State; to provide for the enforcement of the Act, and penalties for the violation of this Act.

Also:

By Mr. Delony:

H. 635. For the Relief of Frank M. Barry and to appropriate for this purpose the sum of \$86.54 out of any money in the State Treasury, not otherwise appropriated, in order to reimburse the said Frank M. Barry for an overpayment made by the said Frank M. Barry to the State Treasury through the Probate Judge of Colbert County, Alabama, in redeeming certain property sold for state and county taxes in the year 1932.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

House Bills 732 and 635, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Chichester:

H. 992. To provide for city and regional planning, the creation, organization and powers of planning commissions, the personnel, powers and duties, the financial and legal status and its relation to Zoning. The regulation of subdivisions of land. The acquisition of right to keep planned streets free from buildings, compensation, appraisal and appeals and to provide penalties for violating this act.

Also:

By Mr. Chichester:

H. 991. To empower municipal corporations to provide for, regulate and restrict the segregation of business, industrial and residential sections, the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the distance of buildings from streets, alleys or other public ways, the distance between buildings, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a Zoning Commission, and the power, jurisdiction and authority thereof; to provide for a board of Zoning Adjustment and define the authority, powers and functions of such board of Zoning Adjustment, its procedure and appeal from its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this act.

Also:

By Mr. Blann:

H. 566. To regulate political parties in Alabama.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 991 and 992, to the Committee on Municipalities.

H. 566, to the Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Connor:

H. 756. A Bill to be Entitled An Act to submit to the qualified voters of the State at the next general election to be held on first Tuesday after the first Monday in November, 1936, for their consideration, an amendment to the Constitution of the State of Alabama, to be known as Section Two and Section Three of Amendment Number II, so as to authorize and empower the Legislature from time to time by general or local laws to change, merge, alter consolidate, or abolish county officers or the functions of office in Jefferson County, and to authorize the Legislature to create new or different officers to perform the services hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolished, and to authorize the Legislature by general or local laws to revise and change the existing laws relating to the assessment or collection of taxes or other revenue in Jefferson County.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely:

"Amendment to Constitution by the Addition of Sections Two and Three to Amendment Number II:

(2) The Legislature of Alabama may from time to time by general or local laws change, merge, alter, consolidate, or abolish county officers or the functions of office in Jefferson County, except Probate Judge and Sheriff and may change, modify or transfer their duties except those conferred by the Constitution of Alabama, and the Legislature may create new or different officers to perform the services hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolished.

(3) And the Legislature by general or local laws may revise and change the existing laws relating to the assessment or collection of revenue in Jefferson County for the purpose of increasing the efficiency or lowering the cost of such collections."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding the general election in November, 1936 of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election held on first Tuesday after the first Monday in November, 1936, the foregoing amendment shall be submitted to the qualified electors of the State. Upon the ballots used at such election shall be printed the following, namely:

"Amendment to Constitution by the Addition of Sections Two and Three to Amendment Number II:

(2) The Legislature of Alabama may from time to time by general or local laws change, merge, alter, consolidate or abolish county officers or the functions of offices in Jefferson County, except Probate Judge and Sheriff and may change, modify or transfer their duties except those conferred by the Constitution of Alabama, and the Legislature may create new or different officers to perform the services hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolished.

(3) And the Legislature by general or local laws may revise and change the existing laws relating to the assessment or collection of revenue in Jefferson County for the purpose of increasing the efficiency or lowering the cost of such collections."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire.

Section 4. The officers of such general election shall conduct a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

E. F. Taylor,
Clerk.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report to-wit:

H. J. R. 371. Relative to complimenting the merchants of the City of Montgomery for promoting a GREATER MONTGOMERY TRADE WEEK.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Chichester:

H. 917. To amend Sections 2, 3 and 4 of an Act approved February 10, 1927, entitled "An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance agents." (General Acts 1927, page 34.)

Also:

By Mr. Parish (Henry):

H. 1052. To amend the Code of Laws for the State of Alabama, known as the "Agricultural Code of Alabama", of 1927, adopted as the Code of Laws for the State of Alabama, prepared in accordance with the provisions of the Act approved February 18, 1927, (H. 275 Goode) by the Act of the Legislature approved August 24, 1927, which pertains to Agriculture and Industries, the Department of Agriculture and Industries, the Commissioner of Agriculture and Industries and the State Board of Agriculture, and relating subjects, as follows: Amend Section 149, of Article 17 pertaining to fertilizers and providing for the repeal of laws and parts of laws in conflict with this act and the effective date of the same.

Also:

By Mr. Sanford:

H. 751. To prohibit the use of hoop nets, fish baskets and certain other fishing devices in artificially impounded public waters of this State, and in the public waters within one mile below any lock or dam; to prohibit the sale of bass, commonly called trout or green trout, within the State of Alabama, regardless of where taken; to provide for penalties for violations of this Act; to make the possession of prohibited fishing devices on, at or within one-half mile of such waters or on a boat on the waters in which the use of such devices is prohibited a violation of law; to provide for the confiscation of prohibited devices; and to repeal all laws or parts of laws in conflict with this Act.

Also:

By Mr. Parish (Henry):

H. 532. To amend the Code of Laws for the State of Alabama, known as the "Agricultural Code of Alabama", of 1927,

adopted as the Code of Laws for the State of Alabama, prepared in accordance with the provisions of the Act approved February 18, 1927, (H. 273 Goode) by the Act of the Legislature approved August 24, 1927, which pertains to Agriculture and Industries, the Department of Agriculture and Industries, the Commissioner of Agriculture and Industries and the State Board of Agriculture, and relating subjects, as follows: Amending Section 124 of Article Sixteen, pertaining to Commercial Feeds; amending Section 168 of Article Eighteen, pertaining to Insecticides and Fungicides; and, amending Section 217 of Article Twenty-three, pertaining to Suspension From Sale, Seizure by Writ of Attachment, And Authority To Collect And Analyze Samples; and, providing for the repeal of laws and parts of laws in conflict with this Act and the effective date of the same.

Also:

By Mr. Sanford:

H. 859. To provide for the Attorney General Supplying to the Probate Judges of the several Counties of the State copies of his written opinions, in pamphlet form, each month.

Also:

By Mr. Sanford:

H. 832. To amend Section 6767 of the Code of Alabama, 1923.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 917, to the Committee on Insurance.

House Bills 532 and 1052, to the Committee on Agriculture.

H. 751, to the Committee on Fish and Game.

H. 859, to the Committee on Judiciary.

H. 832, to the Committee on Printing.

BILLS ON THIRD READING RESUMED

The bill:

H. 1048. To authorize the State Land Commissioner with the approval of the Governor, to contract with some person or firm in each county to investigate sales of real estate for taxes and bid in for the State, to notify parties in interest of such sales, to secure redemptions, to secure sales of property subject to sale at private sale by the State; and to fix the compensation for such services, and to repeal all laws or parts of laws in conflict herewith, and to fix the time when this act shall go into effect.

Was read a third time at length and passed.

Yeas, 18; Nays, 2.

Yeas:

Messrs.:

Bonner	Glover	McDowell	Taylor	
Carlton	Goldsmith	Parrish	Thomas	
Chesnut	Kuykendall	Riddle	Tucker	
Dorsey	Mixon	Rogers (Mobile)	Walton	
Fletcher	Mooneyham			—18

Nays: Messrs.: Russell and Walden

—2

The bill:

H. 505. To amend Section 1193 of the Code of Alabama of 1923, as amended by the General Acts of the Legislature of Alabama of 1931, page 542, approved July 17th, 1931.

Was read a third time at length and passed.

Yeas, 18; Nays, 3.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Taylor	
Carlton	Mixon	Rogers (Mobile)	Thomas	
Chesnut	Mooneyham	Russell	Tucker	
Fletcher	McDowell	Stephens	Walton	
Glover	Parrish			—18

Nays:

Messrs.:

Dorsey	Goldsmith	Walden		—3
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The bill:

H. 149. To amend Section 10375, Chapter 351, Code of Alabama, 1923.

Was read a third time at length and passed.

Yeas, 19; Nay, 1.

Yeas:

Messrs.:

Bonner	Glover	McDowell	Taylor	
Carlton	Goldsmith	Parrish	Thomas	
Chesnut	Kuykendall	Riddle	Tucker	
Dorsey	Mixon	Rogers (Mobile)	Walton	
Fletcher	Mooneyham	Russell		—19

Nay: Mr. Simpson

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate Amendment to the following House bill:

By Mr. Byars:

H. 706. To amend Section 5076 of the 1923 Code of Alabama.

And requests Committee of Conference. The Speaker of the House has named as Conferees on the part of the House Messrs. Byars, Welch and Reid.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bonner, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate Amendment to H. 706, the title of which is set out in the foregoing Message from the House, and the President of the Senate appointed as a Committee on part of the Senate Messrs. Bonner, Dorsey and Woodall.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 396. To authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such County, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil" or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Wocopep, or any other motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this act, and to provide when this act shall become effective.

S. 420. To require the tax assessors and tax collectors of the several counties in this State, having a population of not less than

75,000 nor more than 110,000 people, according to the last or any succeeding Federal Census, in addition to assessing and collecting the ad valorem taxes due the State and said counties on motor vehicles, to collect the ad valorem taxes on motor vehicles due all cities and municipalities in such counties; to provide for reports and payments of collections by tax collectors; and to fix compensation of said assessors and collectors for the performance of their duties under this Act, which shall be in addition to compensation now received by them for assessing and collecting taxes for the State and such counties; and to repeal all laws or parts of laws, general or local in conflict with this Act.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Staples:

H. 1006. To Amend Schedule 158.1 of an act entitled an act to provide for general revenue of the State of Alabama to read as follows: approved July 10, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 1006, to the Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED

The bill:

H. 805. To Amend Section 462 of The Code of Alabama of 1923 as amended by an Act of the Legislature of 1935, and approved by the Governor July 8, 1935.

Was read a third time at length and passed.

Yeas, 17; Nay, 1.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Mixon	Stephens	Walden
Dorsey	McDowell	Taylor	Walton
Fletcher			

—17

Nay: Mr. Simpson

—1

The bill:

H. 841. To amend Section 540 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Mixon	Russell	Tucker
Chesnut	McDowell	Stephens	Walden
Dorsey	Parrish	Taylor	Walton
Glover	Riddle		

—18

Nays:—None.

The bill:

H. 926. To amend Section 392 of the Code of 1923, as amended by an Act approved August 20, 1927, so as to read as follows:

Was taken up.

Mr. Mixon offered the following amendment to said bill to-wit:

Amend H. B. 926 by striking out the figures "1928" where they appear therein, and insert in lieu thereof the figures "1936."

Which was adopted.

Yeas, 17; Nay, 1.

Yeas:

Messrs.:

Bonner	Mixon	Simpson	Tucker
Carlton	Mooneyham	Stephens	Walden
Dorsey	McDowell	Taylor	Walton
Glover	Russell	Thomas	Woodall
Kuykendall			

—17

Nay: Mr. Goldsmith

—1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:

Bonner	Fletcher	Kelly	Mooneyham
Carlton	Glover	Kuykendall	McDowell
Dorsey	Goldsmith	Mixon	Russell

Simpson
Stephens

Taylor
Thomas

Tucker
Walden

Walton
Woodall

—20

Nays:—None.

The bill:

H. 925. To require the probate judge of the county, circuit court clerk and the registrar of vital statistics of each registration district to furnish the board of registrars of their respective counties with certain information.

Was read a third time at length and passed.

Yeas, 20; Nays, 1.

Yeas:

Messrs.:

Bonner

Kelly

Parrish

Thomas

Carlton

Kuykendall

Russell

Tucker

Dorsey

Mixon

Simpson

Walden

Fletcher

Mooneyham

Stephens

Walton

Glover

McDowell

Taylor

Woodall

—20

Nay: Mr. Goldsmith

—1

The bill:

H. 887. To amend Schedule 96 of Section 348, Chapter 1, Article 13 of an act "to provide for the General Revenue of the State of Alabama," known as House Bill 324, approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:

Carlton

Kuykendall

Russell

Thomas

Dorsey

Mixon

Simpson

Tucker

Fletcher

Mooneyham

Stephens

Walden

Glover

McDowell

Swift

Walton

Goldsmith

Parrish

Taylor

Woodall

—20

Nays:—None.

The bill:

H. 908. To amend Section 148 of Article 5 of House Bill 324 providing for the General Revenue of the State of Alabama.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:

Bonner

Kuykendall

Simpson

Tucker

Carlton

Mixon

Stephens

Walden

Chesnut

Mooneyham

Swift

Walton

Dorsey

Parrish

Taylor

Woodall

Glover

Russell

—18

Nays:—None.

The bill:

H. 1019. For the purpose of paying a debt of honor and to do honor to Alabama's outstanding living hero of all wars, Sidney E. Manning of Flomaton, Escambia County, Alabama, Corporal Company "G" 167th Infantry, 42nd (Rainbow) Division; to make appropriations for the purpose of carrying out the provisions of this Act and to provide a Committee whose duties will be that of Carrying out the provisions of this Act under such plans and regulations, which regulations shall have the force and effect of law, as may be approved by the Governor.

Was read a third time at length and passed.

Yeas, 23; Nay, 1.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Thomas
Carlton	Kuykendall	Rogers (Mobile)	Tucker
Chesnut	Mixon	Russell	Walden
Dorsey	Mooneyham	Simpson	Walton
Fletcher	McDowell	Stephens	Woodall
Glover	Parrish	Swift	

—23

Nay: Mr. Taylor

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Lusk:

H. 836. To amend Section 291 of an act entitled "An act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

By Mr. Lusk:

H. 835. To Amend Section 269 of an act entitled "An act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

By Mr. Street:

H. 64. To amend Sections 9, 14 and 15 of an Act approved July 10, 1931, entitled: "An Act to protect the public health and welfare, to provide for the construction, maintenance and operation of hospitals and sanatoria for the treatment of tuberculosis, and to make appropriations for the building and maintenance of same".

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House Bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 836 and 835 and 64, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Lusk:

H. 834. To amend Section 251 of an act, entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

By Mr. Lusk:

H. 880. To amend Section 252 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House Bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

House Bills 834 and 880, to the Committee on Finance and Taxation.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the forty-seventh Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the forty-seventh Legislative day approved by the Senate.

ADJOURNMENT

At 6:30 P. M., on motion of Mr. Tucker and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, September 10th, 1935, at ten A. M.

FORTY-EIGHTH DAY

Tuesday, September 10th, 1935.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Senator Webb Chesnut of Cherokee County.

ROLL CALL

Present:

Messrs.:

Bonner
Carlton
Chesnut
Cook
Dorsey
Fletcher
Frazer
Glover

Kelly
Kuykendall
Locke
Mixon
Mooneyham
McDowell
Parrish
Riddle

Rogers (Mobile)
Russell
St. John
Simpson
Starnes
Stephens
Swift

Taylor
Thomas
Tucker
Walden
Walton
Wellborn
Woodall

—30

JOURNAL

On motion of Mr. Mooneyham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORTS OF COMMITTEES

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lusk:

H. 836. To amend Section 291 of an act entitled "An act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

By Mr. Lusk:

H. 835. To amend Section 269 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

By Mr. Lusk:

H. 880. To amend Section 252 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

By Mr. Lusk:

H. 834. To amend Section 251 of an act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10th, 1935.

By Mr. Street:

H. 64. To amend Sections 9, 14 and 15 of an Act approved July 10, 1931, entitled: "An Act to protect the public health and welfare, to provide for the construction, maintenance and operation of hospitals and sanatoria for the treatment of tuberculosis, and to make appropriations for the building and maintenance of same."

By Mr. McDermott (with notice and proof):

H. 979. For the relief of S. H. Smith, Clerk of the Circuit Court of Mobile County, Alabama, from certain irregularities charged against him in an audit made by the Examiner of Accounts for the State of Alabama and submitted to the Governor of the State of Alabama on to-wit December 17th, 1934.

By Mr. Robertson (Cullman):

H. 921. To amend Schedule 158.3 of Section 348, in Chapter 6 of Article XIII, of an Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to provide for the General Revenue of the State of Alabama."

By Mr. Delony:

H. 635. For the Relief of Frank M. Barry and to appropriate for this purpose the sum of \$86.54 out of any money in the State Treasury, not otherwise appropriated, in order to reimburse the said Frank M. Barry for an overpayment made by the said Frank M. Barry to the State Treasury through the Probate Judge of Colbert County, Ala., in redeeming certain property sold for state and county taxes in the year 1932.

By Mr. Staples:

H. 1006. To Amend Schedule 158.1 of an act entitled an act to provide for general revenue of the State of Alabama to read as follows: approved July 10, 1935.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without Recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Reeder:

H. 899. "To amend Section 145 of Article V, of an Act entitled 'An Act to Provide for the General Revenue of the State of Alabama,' approved July 10, 1935."

By Mr. Reid:

H. 732. To regulate the occupation and practice of Cosmetology in the State of Alabama; to establish a Board of Cosmetology in said State; to define the duties of such Board, the election of officers and their duties; provide for the salaries of such Board and employees of such Board; to define what shall constitute the practice of Cosmetology in Alabama; to set up qualifications for students; to set up rules for the admission to practice Cosmetology and licenses to operate shops and schools in the State; to provide for sanitary regulations for the protection of the public; to provide for the refusal or revocation of license in said State; to provide for the renewal of licenses in the State; to provide for the enforcement of the Act, and penalties for the violation of this Act.

Mr. Tucker, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Chichester:

H. 917. To amend Sections 2, 3 and 4 of an Act approved February 10, 1927, entitled "An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance agents." (General Acts 1927, page 34.)

By Mr. Chichester:

H. 1069. To further provide for safeguarding of public monies in the hands of Tax Collectors, County Treasurers, and County Treasurers of School Funds in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census; and in accomplishment of said purposes to require official bonds to be given and executed by said officials; to prescribe the conditions of such bonds; to provide for the amount of such bonds to be fixed and prescribed by the County Commission or like governing body of such counties; to provide for sureties thereon; to provide payment of premiums therefor; to provide for depositaries to be appointed by the County Commission or like governing body of such counties, in which such monies coming into the hands of such officials may be deposited; to provide for the liability of said officials and their bonds and sureties arising out of the deposit of public funds in depositaries so appointed; to provide for Tax Collectors in such counties making reports and disbursements and remittances of their funds; to repeal all laws or parts of laws in conflict with the provision of this Act; and to provide that if any section or part of section of this Act shall be declared unconstitutional then the remaining sections or parts of sections of this Act shall not be affected thereby.

By Mr. Welch:

H. 954. To amend Section 6 of an Act approved March 10, 1933, entitled "An Act to provide for the designation by the Court of County Commissioners, Board of Revenue or like Governing Body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Board of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the county tax collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00, and in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims."

Mr. Taylor, Chairman of the Standing Committee on Penitentiary and Penitentiary Punishment, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sanford:

H. 654. To amend Section 5311 of the Code of 1923.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor (with notice and proof):

H. 881. To promote the efficiency of the paid Fire Department of the City of Mobile, to provide a two platoon system in said City for said fire department, and to define the conditions under which the same shall be operated; to provide power and authority for the City Commissioners in case of serious conflagration, riot or other emergency, to provide for the granting of vacations with pay to said members of said Fire Department; to provide for the manner and notice of hearing charges preferred against members in said Fire Department of the City of Mobile; to provide for full power in the said City Commission to make rules and regulations not in conflict with this act; and to provide for the repeal of any law, or laws, or parts thereof, or of any City Ordinance or Fire Department rules or regulations or parts thereof which are contrary to the provisions of this Act.

By Mr. Johnston & Propst (with notice and proof):

H. 1065. To fix the salary of the Judge of Probate of Calhoun County and to provide for clerical assistance and other expenses of said office to fix the salary of Tax Collector of Calhoun County, and to provide for clerical assistance and other expenses of said office; to fix the salary of the Tax Assessor of Calhoun County; and to provide for clerical assistance and other expenses of said office; to require each of said officers to collect all the fees, compensations, and allowances, heretofore collected by said officers and which may hereafter be collected by said officers, and cover same into the County Treasury on or before the fifty day of each month, and to provide for the payment of the salary, clerical assistance, and other office expenses by the Treasurer of the County.

By Mr. Johnston & Propst (with notice and proof):

H. 1064. To create a Purchasing Agency for Calhoun County, Alabama, to be composed of the President of the Board of Revenue of said County, whose duties shall be to purchase books, stationery, blanks, machinery, supplies, materials, appliances and equipment for the several County offices, jails, court houses, almshouses, public roads and bridges of said county, and to define the powers and duties of said Purchasing Agency.

By Mr. Braswell (with notice and proof):

H. 1066. To repeal an Act entitled an Act "To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election," and to abolish the office of County Treasurer as provided in the said Act, approved February 7, 1923, to take effect on the first Monday after the second Tuesday in January, 1937, when the term of the present incumbent of said office expires.

By Mr. Byars (with notice and proof):

H. 1017. To provide for the payment of publication of notice of intention to introduce a local bill in the legislature.

By Mr. Glover & Parish (Henry) (with notice and proof):

H. 1012. To provide for the election of three school district trustees in the several school districts of Henry County, Alabama, by the bona fide patrons of said districts and who reside therein; to provide for the holding of such elections by and under the supervision of the County Superintendent of Education of Henry County; to fix the term of office of said school trustees and the election of their successors; and to provide for filling vacancies in such office; to prescribe their duties, powers and authority as such trustees in the several school districts of the County; and to repeal all

laws and parts of laws in conflict with the provisions and purposes of this Act:

By Mr. Langdon (Pickens) (with notice and proof):

H. 1060. To create the office of County Solicitor of Pickens County, Alabama, to provide for the election of such officer by the qualified voters of said County, to prescribe his powers, duties and qualifications, to provide for his compensation, fix the term of his office, provide for his election, the time of the election of his successors in office and to repeal all general and local laws in conflict therewith so far as they relate to said Pickens County.

By Mr. Langdon (Pickens) (with notice and proof):

H. 1059. To abolish the office of Deputy Solicitor of Pickens County, Alabama, to fix the time when such office shall be abolished and to provide that such act shall not affect any general, special or local laws except as herein provided for.

By Mr. Todd:

H. 1057. To amend Sections II, III, V and VI of an Act entitled "An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof," which became a law July 24, 1931, under Section 125 of the Constitution.

By Mr. Todd:

H. 932. To authorize the Circuit Courts in counties having a population of 300,000 or more according to the last or any future Federal Census, to make such orders and rules concerning proceedings in causes of like nature or relative to the same question as may be conformable to the usages of Courts for avoiding unnecessary costs or delay in the administration of justice, and to authorize said courts to consolidate said causes when it appears reasonable to do so.

By Mr. Todd:

H. 934. To provide for and regulate the mode of selecting and impanelling juries in all criminal and quasi criminal cases in circuit courts in counties having population of 300,000 or more according to the last or any future Federal census.

By Mr. Taylor:

H. 1056. To provide that in all Counties in the State of Alabama having a population of 110,000 and not more than 300,000 according to the last or any subsequent Federal Census that it shall be unlawful to buy, sell or otherwise transfer cattle without a bill of sale, describing said cattle, and the mark or brand of same set out therein and signed by the person selling or trans-

ferring same, and to provide for the penalty for violation of this Act.

By Mr. Welch:

H. 958. TO PROVIDE, OR AND ESTABLISH in each and all counties of this State which now have a population of Two Hundred Thousand people, or more, according to the last Federal census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a court to be designated the Juvenile and Domestic Relations Court; to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper, or convenient for the exercise thereof; to regulate same; to provide for a Judge of such courts, his term of office, and compensation; to provide for a Solicitor and for his compensation; and for such other officers and employees as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for officials of said court, their term of office and duties; to provide for and regulate the procedure of such courts, to authorize the Judge of said courts to determine the form of the records, and adopt rules of procedure therein, where not otherwise provided for in this Act; to provide for appeals from said courts and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the Circuit Courts, and other courts in such counties; to provide for any section, paragraph, or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof.

By Mr. Welch:

H. 960. To amend Sections 20 and 23 of an Act approved September 6th, 1927, entitled: "An Act, Relating to dependent, neglected or delinquent children in all counties of Alabama which have a population of as many as Two Hundred Thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter, and which counties now have, or which counties shall hereafter have a Juvenile and Domestic Relations Court; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the Juvenile and Domestic Relations Courts of such counties; to provide for their protection, guardianship, custody, care, supervision, discipline, and generally for their welfare; to confer upon such Juvenile and Domestic Relations Court in such counties original and exclusive jurisdiction and authority to adjudicate and enforce all questions and matters arising under or provided for by the terms of this Act, and to confer upon such courts full power and authority to try and determine all such questions; or which may be otherwise referred to them

by law; for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this Act; to confer upon such courts authority to make rules and regulations, and to devise and have printed, such records and forms where not otherwise provided for under the terms of this Act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the Detention Home or Parental School, or for the conduct of probation officers, or their work as provided for in this Act; to create and provide for Advisory Boards to such courts, and to define their duties; to make it a misdemeanor by act, or omission, or otherwise to aid, abet, cause, connive at or contribute to the dependency, neglect, or delinquency of such children, in such counties, or to conceal or otherwise interfere with the custody of such children, or to interfere with or obstruct probation officers in the discharge of their duties, and in certain contingencies for injunction in such cases, and to provide for the trial and punishment of such offenders; to provide for investigations by probation officers, and the effect of their reports as evidence; to provide for the taking and enforcement of recognizances when same are made by a minor with adults as sureties; to provide that all proceedings under the terms of this Act in dealing with the children described herein shall be in equity, and civil in their nature, and to regulate same; to provide for the trial of any delinquent child as defined by this Act, in a criminal court of competent jurisdiction, when the court after investigation or trial is convinced that such child cannot be made to lead a correct life under the discipline provided for such delinquent under the terms of this Act; to provide that under certain contingencies male children between sixteen and eighteen years of age shall be dealt with as delinquents; to provide for the establishment and maintenance of a Detention Home or Parental School and for the appointment and compensation of probation officers, and for other expenses incident to the purposes of this Act; to provide for the appointment of Referees, and to define their powers and duties; to declare when this Act shall take effect, that should any part of this Act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws inconsistent or in conflict with this Act:

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without Recommendation and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Davis:

H. 409. To regulate the business and trade of plumbing in all counties of this State having a population of 80,000, or more,

according to the last or any subsequent Federal Census, to create a Board to be known as the Board of Plumbers Examination and Registration of Alabama; to provide for the appointment of the members of said Board of Plumbers Examination and Registration of Alabama, and to provide for the appointment of successors of the members thereof, and for the organization of said Board and for the remuneration of the members and officers thereof; to specify the powers and duties of said Board of Plumbers Examination and Registration and provide the ways and means of collecting funds for its maintenance and functioning; to define the terms "plumbing" "master plumber" and journeyman plumbers" for the purposes of this Act; provide for the examination, registration and licensing of master plumbers and journeyman plumbers engaged, engaging or desiring to engage in the business or handicraft of plumbing within such counties and fix the fees to be assessed of applicants for examination, registration and licensing of such master plumbers or journeyman plumbers and for the renewals of such registration and licenses; to authorize and empower said Board of Plumbers Examination and Registration of Alabama to conduct investigation and hearings of and concerning violations of this Act and to grant unto said Board of Plumbers Registration and Examination the power and authority to revoke after hearing, any licenses issued by said Board on account of any violations or violation of any provision or provisions of this Act by any master plumber or journeyman plumber, who may violate any of the provisions of this Act, and to provide further penalties for any violation or violations of the provisions of this Act, and to provide for the appeal to the various Circuit Courts of Alabama by any aggrieved person from any order ruling, decree or revocation of such license by said Board of Plumbers Examination and Registration of Alabama and to provide for a seal and its use by said Board; and also to repeal all laws in conflict herewith.

By Mr. Coleman (with notice and proof):

H. 1053. To repeal an act "To allow the Sheriff of Marshall County, Alabama an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the general funds of Marshall County in monthly installments" approved July 2, 1935.

By Mr. Staples:

H. 1055. To provide that in all counties in the State of Alabama having a population of One Hundred and Ten Thousand (110,000) and not more than Two Hundred Thousand (200,000) according to the last or any subsequent Federal Census that in all misdemeanor cases that a solicitor's fees as now are hereafter fixed by law may be charged as court cost in the discretion of the Judge trying the case.

By Mr. Coleman (with notice and proof) :

H. 1072. To repeal an Act entitled "An Act to amend an act entitled: 'An Act abolishing the Court of County Commissions of Marshall County, creating a Board of Revenue of Marshall County, providing for the selection, nomination and election of the members of the said board; their compensation and manner of payment; fixing their powers and duties; the term of their office and providing that this Act shall go into affect upon its approval, approved August 27, 1927,'" approved January 16, 1931.

By Mr Coleman (with notice and proof) :

H. 1073. To establish a Board of Revenue for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; To fix the number of the members thereof, and fix the districts of said Board; to relieve the Judge of Probate of his duties as Chairman of the Board of Revenue; to provide for the appointment and election of the members of said board, to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a Chairman thereof; and fix his duties, powers, compensation and term of office; to provide for the selection and appointment of a bookkeeper-clerk for said board, and to fix his term of office, powers, duties and compensation, and to provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

Mr. Walden, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Parish (Henry) :

H. 532. To amend the Code of Laws for the State of Alabama, known as the "Agricultural Code of Alabama," of 1927, adopted as the Code of Laws for the State of Alabama, prepared in accordance with the provisions of the Act approved February 18, 1927, (H. 273 Goode) by the Act of the Legislature approved August 24, 1927, which pertains to Agriculture and Industries, the Department of Agriculture and Industries, the Commissioner of Agriculture and Industries and the State Board of Agriculture, and relating subjects, as follows: Amending Section 124 of Article Sixteen, pertaining to Commercial Feeds; amending Section 168 of Article Eighteen, pertaining to Insecticides and Fungicides; and, amending Section 217 of Article Twenty-three, pertaining to Suspension From Sale, Seizure by Writ of Attachment, and Authority

to Collect And Analyze Samples; and, providing for the repeal of laws and parts of laws in conflict with this Act and the effective date of the same.

By Mr. Parish (Henry) (with substitute):

H. 1052. To amend the Code of Laws for the State of Alabama, known as the "Agricultural Code of Alabama," of 1927, adopted as the Code of Laws for the State of Alabama, prepared in accordance with the provisions of the Act approved February 18, 1927, (H. 275 Goode) by the Act of the Legislature approved August 24, 1927, which pertains to Agriculture and Industries, The Department of Agriculture and Industries, the Commissioner of Agriculture and Industries and the State Board of Agriculture, and relating subjects, as follows: Amend Section 149, of Article 17 pertaining to fertilizers and, providing for the repeal of laws and parts of laws in conflict with this act and the effective date of the same.

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Chichester:

H. 992. To provide for city and regional planning, the creation, organization and powers of planning commissions, the personnel, powers and duties, the financial and legal status and its relation to Zoning. The regulation of subdivisions of land. The acquisition of right to keep planned streets free from buildings, compensation, appraisal and appeals and to provide penalties for violating this act.

By Mr. Chichester:

H. 991. To empower municipal corporations to provide for, regulate and restrict the segregation of business, industrial and residential sections, the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the distance of buildings from streets, alleys or other public ways, the distance between buildings, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a Zoning Commission, and the power, jurisdiction and authority thereof; to provide for a board of Zoning Adjustment and define the authority, powers and functions of such board of Zoning Adjustment, its procedure and appeal from its decisions; and to provide remedies for the enforce-

ment of ordinances, resolutions or regulations made by such municipalities under the authority of this act.

Mr. Stephens, Chairman of the Standing Committee on Printing, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sanford:

H. 832. To amend Section 6767 of the Code of Alabama, 1923.

Mr. Parish, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Propst:

H. 1044. To define "Hospital Executives" and to provide for registration of the same.

Mr. Walton, Chairman of the Standing Committee on Military, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report and it was read a second time and placed on the calendar, to-wit:

By Mr. Quarles:

H. 162. To amend Section 334, Schedule 1, Subsection 31, of the Compiled Revenue Code of Alabama, and the Act approved July 22, 1927, entitled "In reference to and to further provide for the general revenue of the State of Alabama and published as Section 19, at page 160 of the Acts of 1927, as further amended by an act approved July 30, 1931, entitled "An Act to amend Section 19 of the Revenue Act of 1927," which said amendment appears at page 812 of the published General Acts of Alabama of 1931, by exempting from the privilege or license tax for the operation of automotive vehicles imposed by said revenue law all passenger vehicles owned and operated by the Federal Government or by officers and enlisted men actually serving in the United States Army who are assigned by the War Department as Instructors and/or Sergeant Instructors with the National Guard of Alabama and all commissioned officers of the Active National Guard of Alabama.

Mr. Walton, Acting Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Harrison:

H. 911. To provide for a public corporation for the purpose of constructing or causing to be constructed public roads and bridges

in this State; to prescribe its powers and duties and to provide for the raising of necessary funds for such purpose and to provide for the payment of the cost of construction of such roads and bridges and to borrow money and match Federal funds for public work construction and to issue bonds, warrants, assignments, transfers or securities and to contract with the State Highway Commission of Alabama, the Public Works Administration and any other branch of Federal Government or other authorities necessary to carry out the purposes of this Act.

Mr. Rogers, Mobile, Chairman of the Standing Committee on Seaports, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Staples:

H. 761. To give to the State Docks Commission full power to establish a Foreign Trade Zone as defined by the Laws of the United States, and to give the said Commission power to comply with the Laws, Rules and Regulations prescribed by the Federal Government for the establishment of such zones.

By Mr. Staples:

H. 501. To repeal an Act entitled, "An Act to Prohibit the State of Alabama, the State Docks Commission, or any other agency or commission of the State, from granting any exemption from any State, county or municipal taxation; and to modify or repeal any Act or Acts contrary to the Provisions hereof." (Approved August 4, 1931.)

Mr. Woodall, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Blann:

H. 566. To regulate Political Parties in Alabama.

By Mr. Adams:

H. 976. To amend section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled, "An Act to amend sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923" approved August 20, 1927.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Waldrep :

H. 926. To amend Section 392 of the Code of 1923, as amended by an Act approved August 20, 1927, so as to read as follows:

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 395. To create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states of the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 149. To amend Section 10375, Chapter 351, Code of Alabama, 1923.

Also:

H. 369. Relating to, regulating and requiring a prequalification and classification of bidders on public improvements.

Also:

H. 429. To create and provide for a Purchasing Agent for Henry County, Alabama, dealing with and having reference to all purchases for the use of said County, where said purchase or purchases would be a charge against the General Funds of the County; naming the Probate Judge as such Purchasing Agent, and requiring him to serve without compensation; prescribing his powers, authority and duties; requiring all County officials to make requisition to said Purchasing Agent for all supplies of every kind and description, including stationery, books, dockets and records needed by them in the discharge of their official duties; requiring the sheriff of the County and the keeper or superintendent of the County alms house to requisition for all supplies of every kind and description, needed about the County jail and the County alms house, such supplies to be purchased by and through said Purchasing Agent, requiring that all purchases for the County, where same is to be paid for from the General Funds of the County, shall be made by said Purchasing Agent; and to provide penalties for the violation of this Act.

Also:

H. 505. To amend Section 1193 of the Code of Alabama of 1923, as amended by the General Acts of the Legislature of Alabama of 1931, page 542, approved July 17th, 1931.

Also:

H. 739. To provide for the unification of the fiscal administration of Jefferson County; to create the office of County Comptroller of Jefferson County and provide the method of his selection; to define the duties and authority of such officer; to transfer to him the duties heretofore fixed by law for performance by the County Treasurer, the Tax Assessor, the Tax Collector and the Commissioner of Licenses of Jefferson County; to require said County Comptroller to perform certain duties now devolving upon the Probate Judge of Jefferson County; to abolish the offices of County Treasurer, Tax Collector, Tax Assessor and Commissioner of Licenses of Jefferson County; to provide for a deputy County Comptroller at Bessemer; to provide said County Comptroller with necessary deputies, clerks and assistants; to provide for the oath of office and bond of said County Comptroller; to provide said County Comptroller with quarters and supplies and modern office equipment; to fix the compensation of said County Comptroller; and to provide for the continued employment of certain officers duly elected by the people.

Also:

H. 805. To Amend Section 462 of The Code of Alabama of 1923 as amended by an Act of the Legislature of 1935, and approved by the Governor July 8, 1935.

Also:

H. 856. To relieve Tax Assessors in all Counties in Alabama which now have, or which may hereafter have a population of not less than fifty-four thousand and not more than sixty four thousand two hundred according to the last Federal Census, or any such census which may be taken hereafter, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as a permanent record and prepare Tax Collectors Abstracts from said assessment lists.

Also:

H. 860. To amend Sections 2874, 2875, 2880, 2885, 2886, 2888, 2889, 4387, 4389 and 4390 Code of Alabama 1923, relative to the practice of optometry.

Also:

H. 871. To create a board to be known as the "State Board of Adjustment"; to name its personnel, to define its duties and powers, and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor.

Also:

H. 887. To amend Schedule 96 of Section 348, Chapter 1, Article 13 of an act "to provide for the General Revenue of the State of Alabama," known as House Bill 324, approved July 10, 1935.

Also:

H. 889. To amend Section 28 of an Act, entitled "An Act to create a Pilotage Commission to be known as The State Pilotage Commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act and to repeal all laws in conflict therewith," approved March 4, 1931.

Also:

H. 906. To amend Section 325 of the Code of Alabama, as amended by the Act of 1927, entitled "An Act to amend Sections 325, 326, 329, 332, 337, 343, 344, 345, 347, 348, 349, 354, 358 and 359, Code of Alabama 1923, and to repeal Section 330, Code of Alabama 1923, relating to the practice of dentistry and dental hygiene, composing Chapter 18, Volume I, of said Code." And to amend Sections 333, 334 and 335 of the Code of Alabama, and to amend Section 337, 348 and 359 of the Code of Alabama, and to repeal Section 349 of the Code of Alabama, as amended by the Act of 1927, entitled "An Act to amend Section 325, 326, 329, 332, 337, 343, 344, 345, 347, 348, 349, 354, 358, and 359, Code of Alabama 1923, and to repeal Section 330, Code of Alabama 1923, relating to the practice

of dentistry and dental hygiene, composing Chapter 18, Volume I, of said Code." And to amend Section 357 of the Code of Alabama.

Also:

H. 908. To amend Section 148 of Article 5 of House Bill 324 providing for the General Revenue of the State of Alabama.

Also:

H. 913. To create and provide for and regulate a Department of Labor in the State of Alabama; to prescribe its authority and jurisdiction, and provide for a Commissioner of Labor and fix his salary and define his duties, and to make an appropriation therefor.

Also:

H. 925. To require the probate judge of the county, circuit court clerk and the registrar of vital statistics of each registration district to furnish the board of registrars of their respective counties with certain information.

Also:

H. 968. To provide that twenty-five percentum of all moneys paid into the State Treasury by dentists shall be paid over to The Alabama Dental Association, to be used by The Alabama Board of Dental Examiners for prosecuting violations of the Dental Laws of Alabama and other necessary purposes.

Also:

H. 1007. To authorize the Town of Ashland, Alabama, to acquire all of the assets of the Ashland Railway Company, or to acquire the capital stock, or the majority of the capital stock, thereof; to maintain and operate said railroad; to provide for an election to determine whether said town shall acquire such property and to provide for the payment thereof and the payment of maintenance and operation thereof.

Also:

H. 1013. To create and establish Road and Bridge Department, and Road and Bridge Foreman, for Houston County, and to abolish County Road Foreman; fix the duties, salary, manner of payment of said Foreman; fix requirement of Foreman to give bond on entering work as Foreman; provide for place for office of Road and Bridge Department and set out who shall have control over said Department; further to provide for necessary means and transportation of Foreman in carrying out his work; How Road and Bridge Foreman is employed and the duration and term of his office.

Also:

H. 1014. To establish a Board of Revenue for Houston County, and abolish the Court of County Commissioners; to fix the salaries of said Board, manner of payment, term of office and time of election of members thereof; to divide said county into three districts; to provide for the election of their successors in office, and the duties of the Judge of Probate with reference to said Board;

To employ, discharge and fix the salary of the Road and Bridge Foreman; to provide that the Road and Bridge Foreman shall with the approval of the Board of Revenue employ and fix the compensation of agents, his assistants, overseers, workmen and laborers required for said work, and shall with the counsel, assistance and approval of said Board of Revenue purchase all necessary road material, machinery, teams, tools, supplies and equipment; to repeal all laws in conflict herewith and to fix qualifications of members of the Board of Revenue.

Also:

H. 1019. For the purpose of paying a debt of honor and to do honor to Alabama's outstanding living hero of all wars, Sidney E. Manning of Flomaton, Escambia County, Alabama, Corporal Company "G" 167th Infantry, 42nd (Rainbow) Division; to make appropriations for the purpose of carrying out the provision of this Act and to provide a Committee whose duties will be that of carrying out the provisions of this Act under such plans and regulations, which regulations shall have the force and effect of law, as may be approved by the Governor.

Also:

H. 1048. To authorize the State Land Commissioner with the approval of the Governor, to contract with some person or firm in each county to investigate sales of real estate for taxes and bid in for the State, to notify parties in interest of such sales, to secure redemptions, to secure sales of property subject to sale at private sale by the State; and to fix the compensation for such services, and to repeal all laws or parts of laws in conflict herewith, and to fix the time when this act shall go into effect.

Also:

H. 841. To amend Section 540 of the Code of Alabama of 1923.

Also:

H. 756. To submit to the qualified voters of the State at the next general election to be held on first Tuesday after the first Monday in November, 1936, for their consideration, an amendment to the Constitution of the State of Alabama, to be known as Section Two and Section Three of Amendment Number II, so as to authorize and empower the Legislature from time to time by general or local laws to change, merge, alter consolidate, or abolish county officers or the functions of office in Jefferson County, and to authorize the Legislature to create new or different officers to perform the service hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolished, and to authorize the Legislature by general or local laws to revise and change the existing laws relating to the assessment or collection of taxes or other revenue in Jefferson County.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely:

"Amendment to Constitution by the Addition of Sections Two and Three to Amendment Number II:

(2) The Legislature of Alabama may from time to time by general or local laws change, merge, alter, consolidate, or abolish county officers or the functions of office in Jefferson County, except Probate Judge and Sheriff and may change, modify or transfer their duties except those conferred by the Constitution of Alabama, and the Legislature may create new or different officers to perform the services hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolished.

(3) And the Legislature by general or local laws may revise and change the existing laws relating to the assessment or collection of revenue in Jefferson County for the purpose of increasing the efficiency or lowering the cost of such collections."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding the general election in November, 1936 of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election held on first Tuesday after the first Monday in November, 1936, the foregoing amendment shall be submitted to the qualified electors of the State. Upon the ballots used at such election shall be printed the following, namely:

"Amendment to Constitution by the Addition of Sections Two and Three to Amendment Number II:

(2) The Legislature of Alabama may from time to time by general or local laws change, merge, alter, consolidate or abolish county officers or the functions of office in Jefferson County, except Probate Judge and Sheriff and may change, modify or transfer their duties except those conferred by the Constitution of Alabama, and the Legislature may create new or different officers to perform the services hitherto performed by those officers or offices which may have been changed, merged, altered, consolidated, or abolished.

(3) And the Legislature by general or local laws may revise and change the existing laws relating to the assessment or collection of revenue in Jefferson County for the purpose of increasing the efficiency or lowering the cost of such collections."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire.

Section 4. The officers of such general election shall conduct a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 397. To establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article I of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof; to provide for the administration of such system and to define offenses against this Act and to fix punishment of such offenses; and to provide for co-operation with the Government of the United States and its agencies in

caring for the needy aged; and to repeal all laws in conflict herewith.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, the Senate concurred in the following amendment by the House to S. 397, the title of which is set out in the foregoing Message from the House to-wit:

Amend Section 3 of Senate Bill 397 by striking therefrom subsection (a) thereof and inserting in lieu thereof a new subsection (a) as follows:

(a) has attained the age of 65 years.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Taylor
Carlton	Kuykendall	Rogers (Mobile)	Thomas
Chesnut	Locke	Russell	Tucker
Cook	Mixon	St. John	Walden
Dorsey	Mooneyham	Simpson	Walton
Fletcher	McDowell	Starnes	Wellborn
Glover	Parrish	Stephens	

—27

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objection and proposed amendment to the bill:

By Mr. Connor:

H. 782. To require officers and employees of counties, cities and towns in Alabama to present itemized statements of expenses incurred while traveling and/or remaining beyond the limits of counties and municipalities while engaged in business incidental to the management or control of the affairs of the counties and municipalities and to prohibit the allowance and payment of such expenses unless itemized and approved; and to provide penalties for the violation of this Act.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to you, the House in which it originated, House Bill No. 782 without by approval.

I suggest the following Executive Amendment, which if adopted, will meet the objection which I have to the Bill.

Amend Section 1 of said bill so that the same shall read as follows:

Section 1. It shall hereafter be unlawful for any officer or employee of any county, town or city in Alabama to be reimbursed from the Treasury of any county, municipality or town expenses incurred by him while travelling and/or remaining beyond the limits of counties and municipalities in the performance of his duties incidental to the management or control of the affairs of such county or municipality unless said officer or employee presents and has approved as herein provided for an itemized statement of all expenses incurred.

Respectfully submitted,

(Signed) Bibb Graves,
Governor.

September 10, 1935.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 782, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 79; Nays, 0.

And said Bill, H. 782, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 79; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Simpson, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 782, the title of which and said proposed amendment, is set out in the foregoing Message from the House.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Chesnut	Locke	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Wellborn
Glover	Parrish	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Taylor
Carlton	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Cook	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Glover	Parrish	Stephens	Wellborn
Kelly	Riddle	Swift	Woodall

—28

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Gentlemen:

Under the provisions of an Act creating the State Planning Board, Acts of 1935, approved September 9th, 1935, it becomes the duty of the Governor to appoint four members in addition to those named in the Act.

Complying therewith, I have designated Dr. L. N. Duncan of Auburn, as the Member from the Staff of the Extension Service, and have appointed the following Members:

W. R. Speight of Decatur, term expiring 1939.

S. P. Gaillard, Sr., Mobile, term expiring 1939.

Algernon Blair, Montgomery, term expiring 1943.

Theodore Swann, Birmingham, term expiring 1943.

As these four appointees, above named, must be confirmed by your Body, I herewith transmit these appointments to you for such action as you may deem right and proper.

Respectfully,
Bibb Graves,
Governor.

September 10, 1935.

GOVERNOR'S MESSAGE

On motion of Mr. Kelly, the Senate confirmed the appointment by His Excellency, the Governor, of the following members of the State Planning Board to-wit:

Dr. L. N. Duncan of Auburn, as the member from the Staff of the Extension Service.

W. R. Speight of Decatur, term expiring 1939.

S. P. Gaillard, Sr., Mobile, term expiring 1939.

Algernon Blair, Montgomery, term expiring 1943.

Theodore Swann, Birmingham, term expiring 1943.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Taylor
Carlton	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Cook	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Glover	Parrish	Stephens	Wellborn
Kelly	Riddle	Swift	Woodall

—28

Nays:—None.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Gentlemen:

I herewith transmit to you the following appointments made by me as Trustees of the State Training School for Girls:

From the Sixth District:—Dr. S. A. Gordon, of Marion, Alabama, for term expiring 1941.

From the Fifth District:—Will O. Walton of LaFayette, Alabama, for term expiring 1941.

From the Seventh District:—Travis Williams of Russellville, for term expiring 1941.

From the Eighth District:—Mrs. W. E. Butler of New Hope, Alabama, for term expiring 1941.

From the Second District:—J. F. B. Lowery of Burnt Corn, Alabama, for term expiring 1939.

From the Third District:—Mrs. Halys C. Mitchell of Abbeville, for term expiring 1939.

As these appointments under the law, must be confirmed by your Body, I herewith transmit them to you for such action as you may deem right and proper.

Respectfully,
Bibb Graves,
Governor.

September 10, 1935.

GOVERNOR'S MESSAGE

On motion of Mr. Dorsey, the Senate confirmed the appointment by His Excellency, the Governor, of the following members of the State Training School for Girls, to-wit:

From the Sixth District: Dr. S. A. Gordon, of Marion, Alabama, for term expiring 1941.

From the Fifth District: Will O. Walton of LaFayette, Alabama, for term expiring 1941.

From the Seventh District: Travis Williams of Russellville, for term expiring 1941.

From the Eighth District: Mrs. W. E. Butler of New Hope, Alabama, for term expiring 1941.

From the Second District: J. F. B. Lowery of Burnt Corn, Alabama, for term expiring 1939.

From the Third District: Mrs. Halys C. Mitchell of Abbeville, for term expiring 1939.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Carlton	Kuykendall	Rogers (Mobile)	Taylor
Chesnut	Locke	Russell	Thomas
Cook	Mixon	St. John	Tucker
Dorsey	Mooneyham	Simpson	Walden
Fletcher	McDowell	Starnes	Wellborn
Glover	Parrish	Stephens	Woodall

—28

Nays:—None.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Gentlemen:

I have appointed the following members of the State Board of Education, with terms to expire as indicated.

From the First District:—D. M. Maxwell, of Monroeville, Alabama, term to expire 1937.

From the Second District:—Jack Thorington of Montgomery, Alabama, term to expire 1941.

From the Third District:—N. D. Denson of Opelika, Alabama, term to expire 1937.

From the Fourth District:—W. Carvel Woodall of Tallassee, Alabama, term to expire 1939.

From the Fifth District:—Joe Starnes of Guntersville, term to expire 1937.

From the Sixth District:—L. H. Ellis of Columbiana, term to expire 1939.

From the Seventh District:—Mrs. W. H. Gresham of Russellville, term to expire 1941.

From the Eighth District:—A. H. Carmichael of Tuscumbia, term to expire 1941.

From the Ninth District:—Donald Comer of Birmingham, Alabama, term to expire 1937.

As these appointments must be confirmed by your Body, I herewith transmit them to you for such action as you may deem right and proper.

Respectfully,

Gibb Graves,
Governor.

September 10th, 1935.

GOVERNOR'S MESSAGE

On motion of Mr. Carlton, the Senate confirmed the appointment by His Excellency, the Governor, of the following members of the State Board of Education to-wit:

From the First District: D. M. Maxwell, of Monroeville, Alabama, term to expire 1937.

From the Second District: Jack Thorington of Montgomery, Alabama, term to expire 1941.

From the Third District: N. D. Denson of Opelika, Alabama, term to expire 1937.

From the Fourth District: W. Carvel Woodall of Tallassee, Alabama, term to expire 1939.

From the Fifth District: Joe Starnes of Guntersville, term to expire 1937.

From the Sixth District: L. H. Ellis of Columbiana, term to expire 1939.

From the Seventh District: Mrs. W. H. Gresham of Russellville, term to expire 1941.

From the Eighth District: A. H. Carmichael of Tuscumbia, term to expire 1941.

From the Ninth District: Donald Comer of Birmingham, Alabama, term to expire 1937.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Carlton	Kuykendall	Rogers (Mobile)	Taylor
Chesnut	Locke	Russell	Thomas
Cook	Mixon	St. John	Tucker
Dorsey	Mooneyham	Simpson	Walden
Fletcher	McDowell	Starnes	Walton
Glover	Parrish	Stephens	Wellborn

—28

Nays:—None.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Gentlemen:

The terms of the Trustees of the School for the Deaf and Blind of the Second Class have expired and I have made the following appointments to fill the vacancies.

From the Fourth District:—W. E. Henkle, of Talladega, term to expire 1940.

From the Sixth District:—T. B. Ward of Tuscaloosa, term to expire 1940.

From the Seventh District:—Ernest B. Fite of Hamilton, term to expire 1940.

As these appointments under the law, must be confirmed by your Body, I herewith transmit them to you for such action as you may deem right and proper.

Respectfully,
Bibb Graves,
Governor.

September 10, 1935.

GOVERNOR'S MESSAGE

On motion of Mr. Riddle, the Senate confirmed the appointment by His Excellency, the Governor, of the following Trustees of the Alabama School for the Deaf and Blind, to-wit:

From the Fourth District: W. E. Henkle, of Talladega, term to expire 1940.

From the Sixth District: T. B. Ward of Tuscaloosa, term to expire 1940.

From the Seventh District: Ernest B. Fite of Hamilton, term to expire 1940.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Carlton	Kuykendall	Russell	Thomas
Chesnut	Locke	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Wellborn
Glover	Parrish	Swift	Woodall

—28

Nays:—None.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama
Gentlemen:

I herewith transmit for your consideration, a communication from the Director of the Archives and History Department.

Sept. 10th, 1935.

Very Respectfully,

Bibb Graves,
Governor.

Montgomery,
September 3, 1935.

Governor Bibb Graves,
Executive Office,
State Capitol.

My dear Governor Graves:

Permit me to advise that at the last annual meeting of the Board of Trustees of the Alabama State Department of Archives and History which was held in the office of the Governor on November 27, 1934, three trustees were elected for a term of six years each.

Under the law these trustees must be confirmed by the Senate and I, as Secretary of the Board, herewith hand you the names of the trustees elected at that time with their places of residence and Congressional District which each represents.

I will thank you very much if you will have this matter attended to at once owing to the short time remaining before the Legislature adjourns.

The list of trustees to be confirmed is as follows:

Hon. Henry B. Foster, Tuscaloosa, Sixth District.

Hon. John H. Bankhead, Jasper, Seventh District.

Hon. David Grayson, Huntsville, Eighth District.

Respectfully,
Marie B. Owens,
Director.

GOVERNOR'S MESSAGE

On motion of Mr. St. John, the Senate confirmed the appointment of the following Trustees of the Department of Archives and History to-wit:

Hon. Henry B. Foster, Tuscaloosa, Sixth District.

Hon. John H. Bankhead, Jasper, Seventh District.

Hon. David Grayson, Huntsville, Eighth District.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Carlton	Kuykendall	Rogers (Mobile)	Thomas
Chesnut	Locke	Russell	Tucker
Cook	Mixon	St. John	Walden
Dorsey	Mooneyham	Simpson	Walton
Fletcher	McDowell	Starnes	Wellborn
Glover	Parrish	Stephens	Woodall

—28

Nays:—None.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

I have appointed, subject to your advice and consent, Captain John C. Coleman of Albertville, Alabama, as Adjutant General of the State of Alabama, with rank of Brigadier General of Alabama National Guard, and respectfully request your advice and consent thereto, effective October 1st, next.

Respectfully,
Bibb Graves,
Governor.

September 10, 1935.

GOVERNOR'S MESSAGE

On motion of Mr. Fletcher, the Senate confirmed the appointment by His Excellency, the Governor, of Captain John C. Coleman of Albertville, Alabama, as Adjutant General of the State of Alabama, with rank of Brigadier General of Alabama National Guard.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Swift
Carlton	Kuykendall	Rogers (Mobile)	Taylor
Chesnut	Locke	Russell	Thomas
Cook	Mixon	St. John	Tucker
Dorsey	Mooneyham	Simpson	Walden
Fletcher	McDowell	Starnes	Walton
Glover	Parrish	Stephens	Woodall

—28

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objection and proposed amendment to the bill:

By Mr. Byars:

H. 840. To provide for an election to submit to the qualified electors of Lawrence County for their approval or rejection a proposal to issue bonds in an amount not exceeding \$130,000 for the purpose of constructing and equipping a courthouse and jail building for said county; and to levy and collect taxes on all taxable property in said county at a rate not exceeding three mills, to provide a fund for the payment of said indebtedness and the interest thereon; and to provide for the issuance of said bonds and the levy of said tax over a period not exceeding twenty-five (25) years, in the event the said proposal is approved by the majority voting in said election; and to provide for the construction and equipping of said courthouse and jail building.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to you, the House in which it originated, House Bill No. 840 without my approval.

A number of blanks occur therein by an oversight and in order that the bill may be enacted in proper shape I offer the following executive amendment to House Bill No. 840, which if adopted will meet with my approval:

A BILL TO BE ENTITLED AN ACT

To provide for an election to submit to the qualified electors of Lawrence County for their approval or rejection a proposal to issue bonds in an amount not exceeding \$130,000 for the purpose of constructing and equipping a courthouse and jail building for said county; and to levy and collect taxes on all taxable property in said county at a rate not exceeding three mills, to provide a fund for the payment of said indebtedness and the interest thereon; and to provide for the issuance of said bonds and the levy of said tax over a period not exceeding twenty-five (25) years, in the event the said proposal is approved by the majority voting in said election; and to provide for the construction and equipping of said courthouse and jail building.

Be it enacted by the Legislature of Alabama:

Section 1. That the Governing Body of Lawrence County be and it is hereby empowered, authorized and directed to order an election, as hereinafter provided, to submit to the qualified electors of said county a proposal to authorize said county to issue bonds in a sum not exceeding \$130,000 for the purpose of constructing and equipping a courthouse and jail building, and to levy and collect over a period not exceeding twenty-five (25) years, a tax on all taxable property in said county at a rate not exceeding three mills, to provide a fund for the payment of the principal and interest of said indebtedness.

Section 2. Said election shall be ordered by the County Governing Body not less than sixty (60) nor more than One Hundred Twenty (120) days after the adoption by a majority of the qualified electors of Alabama, participating in an election held for said purpose, of a proposed amendment to the Constitution of Alabama authorizing Lawrence County to increase its indebtedness and to issue bonds to construct a courthouse and jail building, submitted by the Legislature of Alabama at the Regular Session of 1935, if the same be adopted.

Section 3. That within Thirty (30) days next succeeding the adoption of said amendment to the Constitution, if adopted, said county governing body shall in regular or special session authorize and direct estimates of the cost of said proposed construction and equipping of a courthouse and jail building to be made by competent architects or engineers and submitted to said governing body within Sixty (60) days thereafter. Within Thirty (30) days of submission of said estimates, said county governing body shall be called into regular or special session to consider the same, and shall, as soon as practicable thereafter, order an election to be held in said county to submit a proposal to construct and equip said courthouse and jail building, and to levy a tax for the payment of the costs thereof. Notice of the time of holding said election and the terms of the proposal to be voted on therein shall be given by publication in a newspaper published in the county once a week for four consecutive weeks, the first publication shall be not less than Thirty (30) days prior to the date fixed for said election.

Section 4. Said election shall be held on the day specified in said order of the County Governing Body and notice hereinabove provided for. The officers to conduct said election shall be selected, the result declared, and the same may be contested, as is provided for in Sections 10209-10213 of the Code of Alabama, 1923, in so far as said sections are applicable.

Section 5. It shall be the duty of the county governing body to prepare the ballots for use in said election, which shall have printed thereon substantially the following:

"Proposal: Shall the indebtedness of Lawrence County be increased by issuance and sale of bonds in the amount of not more than \$130,000.00, and said sum expended upon the construction and equipping of a courthouse and jail building; said bonds to bear interest at a rate not exceeding 6% per annum, payable annually (or payable semi-annually) and to mature not later than Twenty-five (25) years from issue date (or to mature not less than 1/25 portion thereof annually on the anniversary of issue over a period of Twenty-five (25) years). The said indebtedness of not more than \$130,000.00 to be paid by the levy of a tax in addition to all of the taxes now levied and collected, on all taxable property situated in Lawrence County, of not exceeding three mills; the said tax to be levied and collected annually over a period of not exceeding Twenty-five (25) years. The said courthouse and jail building to be completed within Twenty-four (24) months of the date of the approval of its construction by a majority of the qualified electors participating in this election." And underneath said proposal shall be the phrases: "For the proposal" and "Against the proposal," and sufficient space shall be provided on said ballot for the elector to indicate by an X mark in front of said phrase his choice by making an X mark in front of the phrase "For the proposal," if in favor thereof, and by making an X mark in front of the phrase "Against the proposal," if he opposes the same.

Section 6. If upon a canvass of the returns of said election, it shall be determined that a majority of the qualified electors of the county participating therein have voted for the proposal, the county governing body shall proceed to the construction and equipping of said court house and jail building by advertising for bids therefor, as in such cases made and provided; and shall proceed to levy a tax authorized by said election, and shall continue the same for the period of years specified upon said ballot. And the said Gov-

erning Body shall proceed to issue and sell bonds for not more than the amount authorized by said election to finance the construction and equipping of said courthouse and jail building. In the advertising for bids for construction, contracting therefor, issuing said bonds and marketing the same, the county governing body shall be governed by the general laws and rules pertaining to said functions of such county governing body; provided, however, that in no event shall said bonds be sold for less than par value. But nothing contained herein shall be taken to prohibit the county governing body from paying the said bonds so issued to a contractor for any of the work or materials authorized hereby, as a part payment upon said contract, at not less than par value or at not less than the highest and best bid for said bonds, which ever sum is the greater.

Section 7. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

Respectfully,
(Signed) Bibb Graves,
Governor.

September 3, 1935.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill H. 840, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 74; Nays, 0.

And said bill, H. 840, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 74; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. St. John, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 840, the title of which and said proposed amendment, is set out in the foregoing message from the House.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Carlton
Chesnut
Cook
Dorsey
Fletcher
Glover

Kelly
Kuykendall
Locke
Mixon
McDowell
Parrish
Rogers (Mobile)

Russell
St. John
Simpson
Starnes
Stephens
Swift

Taylor
Thomas
Tucker
Walden
Walton
Wellborn

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended, by the amendment of His Excellency, The Governor, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Carlton	Kuykendall	St. John	Thomas
Chesnut	Locke	Simpson	Tucker
Cook	Mixon	Starnes	Walden
Dorsey	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Wellborn
Glover	Rogers (Mobile)		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Coleman:

H. J. R. 436. Be it resolved by the House, the Senate concurring, that S. B. 397 be known and designated as the Simpson-Owen of Etowah bill.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, the Senate concurred in and adopted H. J. R. 436, the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Harrison:

H. J. R. 434. BE IT RESOLVED by the House of Representatives, the Senate concurring, that

WHEREAS, Hon. Earl M. McGowin introduced in the House a Bill to create a system of unemployment compensation, and has given considerable study to the measure, and has been of great

benefit to the House in explaining its provisions and purposes.

THEREFORE, BE IT RESOLVED by the House, the Senate concurring, that Senate Bill 395, introduced by Mr. Stephens, shall be known hereafter as the "Stephens-McGowin Bill."

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 434, set out in the foregoing message from the House was concurred in and adopted.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report to-wit:

H. J. R. 203. Relative to extending to the Federal Government an invitation to construct a Veteran's Hospital within the borders of Alabama.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

RESOLUTION

The Rules Committee reported the following Joint Resolution:
S. J. R. 124. BE IT RESOLVED BY THE SENATE, the House concurring that when the two Houses adjourn today, they adjourn to meet again on Friday, September 13th, 1935, at ten o'clock A. M.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

RECESS

At 1:35 P. M., on motion of Mr. Walton, the Senate took a recess until 2:45 this afternoon.

FORTY-EIGHTH DAY—AFTERNOON SESSION

Tuesday, September 10th, 1935.

The Senate re-assembled at 2:45 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Carlton	Kuykendall	Russell	Thomas
Chesnut	Locke	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Wellborn
Frazer	Parrish	Swift	Woodall
Glover	Riddle		

—30

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sanford:

H. 859. To provide for the Attorney General Supplying to the Probate Judges of the several Counties of the State, copies of his written opinions, in pamphlet form, each month.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without Recommendation, and it was read a second time and placed on the calendar, to-wit.

By Mr. Robertson (Cullman):

H. 613. To Amend Sections 1 and 3 of an Act approved September 9, 1927 Amending Sections 1754, 1757, 1760 and 1894 of the Code of Alabama of 1923.

Mr. Dorsey, Chairman of the Standing Committee on Fish and Game, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sanford:

H. 751. To prohibit the use of hoop nets, fish baskets and certain other fishing devices in artificially impounded public waters of this State, and in the public waters within one mile below any

lock or dam; to prohibit the sale of bass, commonly called trout or green trout, within the State of Alabama, regardless of where taken; to provide for penalties for violations of this Act; to make the possession of prohibited fishing devices on, at or within one-half mile of such waters or on a boat on the waters in which the use of such devices is prohibited a violation of law; to provide for the confiscation of prohibited devices; and to repeal all laws or parts of laws in conflict with this Act.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Kelly, the Senate indefinitely postponed further consideration of the bill:

H. 983. To regulate and to restrict nepotism in the public elementary and high schools of the State and to provide penalties for the failure to observe the regulations established.

On motion of Mr. Riddle, the Senate indefinitely postponed all Senate bills on both the regular and adverse calendar to-wit:

H. 412. To propose an amendment to the Constitution of the State of Alabama of 1901, whereby the Town of Montevallo, Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipality, at an election or elections to be held by it from time to time for such purpose and to order an election of the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for state and county officers in November 1936.

Also:

S. 375. To propose an amendment to the Constitution of the State of Alabama of 1901 authorizing and directing the legislature to enact the necessary laws recalling all State, County and Municipal officers, including the Probate Judge but not to include the judiciary of the State of Alabama, to be designated as "Article XXVI," and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for State and County officers in November 1936.

Also:

S. 390. To propose an amendment to Section 48 of Article IV of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed

amendment to be held on the date of the holding of the general election of United States Senator from Alabama in the year 1936.

Also:

S. 393. To submit to the qualified voters of the State of Alabama, at an election to be held when the first general election on any question is submitted to the legal voters of Alabama, but said election not to be held within three months from and after the final adjournment of the present regular session of the 1935 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Calhoun, Elmore and Tuscaloosa; and, whereby all Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable or purporting to be applicable to any or all of said Counties, and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed.

Also:

S. 391. To propose an amendment to Section 49 of Article IV of the Constitution of Alabama and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the date of the holding of the general election for the election of United States Senator from Alabama in the year 1936.

Also:

S. 100. To require security for costs to be given or money to be deposited for costs by residents of this State upon the commencement of any suit at law or in equity in any of the courts of this State, and providing penalties for failure to give such security for costs, or make deposit of money for costs, and providing for certain exceptions as to the giving of such security or deposit of money for such costs.

Also:

S. 84. To amend Section 9577 of the Code of Alabama of 1923.

Also:

S. 110. To provide for the mortgaging of all chattel of a named class or classes owned at the time of the execution of the mortgage and on such property of like kind as may be acquired during a stated period not to exceed twelve months to secure any and all indebtedness which the mortgagor may owe the Beneficiary during said period.

Also:

S. 372. To Amend Schedule 7, of Section 348, Article 13, Chapter 1, of an Act to provide for the General Revenue of the State of Alabama, Approved July 10th, 1935.

On motion of Mr. Swift, further consideration of the bill:

H. 966. To better secure the administration of the financial affairs of Monroe County, Alabama, and for that purpose and to that end to vest in the Board of Revenue of said county more efficient power and control over all public funds that may now or hereafter be under its management and control; to limit its power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such board until the cash is available for their payment; to provide for a record of the financial status of the county; to provide that all temporary loans procured for enabling the county to meet its current obligations shall mature during the fiscal year in which they are made and shall be payable out of income for such year; to provide that this Act shall be effective on and after the first day of October 1935; and to repeal all laws in conflict with the Act.

Was indefinitely postponed by the Senate.

BILLS ON THIRD READING

The bill:

H. 755. To provide and regulate in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal census the ownership, operation and maintenance of county passenger automobiles; to provide that such passenger automobiles shall be owned by such counties for the exclusive use of the sheriffs and their deputies; to provide for the disposition of other such automobiles; to provide that such sheriffs' and their deputies' cars be distinctively colored, and operated and maintained by written orders which are recorded in public books; and to provide that any violation of this Act shall constitute a misdemeanor.

Was taken up.

Mr. Simpson offered the following substitute for said bill to-wit:

Substitute for House bill 755:

A BILL

To be entitled An Act to provide for, regulate, control and prohibit the ownership, use, operation and maintenance of passenger automobiles by all counties in this State having a population of 300,000 persons or more, according to the last or any subsequent federal census; to provide the terms and conditions under which officers, deputies, agents and employees of such counties may be provided with such automobiles by such counties, or may use the same and the storage thereof; to generally provide for the use, operation, maintenance, identification and general control of such automobiles so as to prevent fraud and imposition on such counties by those using the same, as well as others, and to provide punishment for the violation hereof.

Be it enacted by the Legislation of Alabama:

Section 1. This Act shall be effective only in counties having a population of three hundred thousand persons or more, according to the last or any subsequent federal census, and when the word "County" is used herein, it shall be understood as applying only to a county in such population class. By the word "automobile" as used herein is meant passenger automobile.

Section 2. No person who is a member of the governing board or body by whatever name it may be called of a County shall be provided at the expense of such County with a passenger automobile for either the public, private, or official use of such person. It shall be unlawful for such person to buy gasoline or other motor fuel or motor oil or automotive accessories, including tires, from such County. It shall be unlawful for such person to receive from such County an allowance in money or other thing of value in lieu of expenses incurred or to be incurred by such person for automobile transportation for himself or any other person whomsoever.

Section 3. It shall be unlawful for any member of such governing body to buy, or receive as a gift or otherwise, from such County, either directly or indirectly, any gasoline, oil, grease, automobile, or other article or commodity used or usable in connection with automobiles owned or controlled by such County, or to use the same except in the performance of his official duty, or for any person connected with such County to vote for, or participate in, any such sale or disposition to such member.

Section 4. It shall be unlawful for any member of such governing body to vote for any allowance to be made to, or for the benefit of, a member of such governing body, for or on account of the use of any automobile owned or controlled by a member of such governing body, or for or on account of gasoline, oil or grease consumed or used by such automobile, or for or on account of any other cause connected with said automobile or the operation or

maintenance thereof, and it shall also be unlawful for any member of such governing body to accept or receive any such allowance.

Section 5. The governing body of each such County is hereby charged with the duty of causing the outward surface of each passenger automobile owned or controlled by such County, except those devoted exclusively to the use of the Sheriff or his deputies, to be maintained, at all times while so owned or controlled, a bright yellow color, and also with the further duty of causing to be maintained upon the outer surface of each such automobile, in a conspicuous place and of different color, the unobscured name of such County in plain letters and figures at least four inches high, and it shall be unlawful for any person to drive or operate any such automobile while any of the aforesaid duties remain unfulfilled and unperformed. It shall also be unlawful for any person to drive or operate any such automobile, except one devoted exclusively to the use of the Sheriff or his deputies, during any time when his name is not conspicuously displayed on the outside of each said automobile in legible letters at least two inches high.

Section 6. When an automobile is designated or assigned or the custody thereof delivered to a given person or persons for use in and about the County's business for a period longer than one calendar week, such assignment must be accomplished by formal resolution of the governing body of the County, which shall appear on its minutes, and no assignment shall be valid for more than one year from the date made.

Section 7. Any officer, agent, servant or employee of any such County, who for his own private use or purpose, or for the use or purpose of any person, firm or corporation other than such County, uses or authorizes any other person to use any automobile owned or controlled in whole or in part by such County, or any gasoline or other motor fuel, any motor oil, any tires, accessories, or automotive equipment belonging to such County in whole or in part, shall be guilty of a misdemeanor.

Section 8. Any passenger automobiles owned by such County, except those devoted exclusively to the use of the Sheriff or his deputies, shall be placed in the County's garage or barn at the close of each day's service, and there remain until removed therefrom for further use on the next business day. Such automobile shall also remain in such barn or garage during Sundays and Holidays and during any other period when not in use. It is provided, however, that in the event an officer or employee of the County to whom an automobile has been assigned, shall make and file an affidavit with the County's governing body that it is necessary in the performance of his duties for the County for him to keep or remove said car out of said garage or barn during all or a part of the time designated for said car to be kept in said garage or barn, and if

such officer or employee request the County's governing body to authorize him so to do, the said governing body may, if it deems the request in the best interest of the County, by resolution so authorize and approve, but such approval shall not be effective for more than twelve months from the date given. The possession of an automobile owned or controlled by such County contrary to the provisions hereof is hereby declared to be a misdemeanor.

Section 9. Except as provided in Section 8 hereof it shall be unlawful for any officer, agent or employee of such County, or of any agency or instrumentality of such County, to store or garage upon his residence premises, or upon premises controlled by him, or at any place other than a central garage or barn of such County, any passenger automobile owned or controlled by such County, at any time when such automobile is not in actual use upon the business of such County.

Section 10. It shall be unlawful for any person or persons to use or operate, or permit the use or operation of, any automobile owned or controlled by any such County for any purpose other than the public business of such County.

Section 11. The doing of any Act herein declared to be unlawful, or herein prohibited, or the violation of any of the provisions hereof, or any intentional connivance at, or circumvention, or attempt to circumvent, the provisions of this Act, shall constitute a misdemeanor, and any one adjudged to be guilty thereof shall be punished by fine not exceeding five hundred (\$500.00) dollars, and may also be sentenced to hard labor for the County affected for not exceeding twelve months, one or both.

Section 12. If any provision, section, sentence, clause, or part of this Act, shall be held unconstitutional, or for any reason ineffective, it shall not affect or invalidate any of the remaining provisions of this Act. All laws or parts of laws inconsistent with the provisions hereof are hereby expressly repealed.

Section 13. This Act shall become effective at the expiration of thirty days after its enactment.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall
Carlton	Locke
Chesnut	Mixon
Cook	Mooneyham
Frazer	Parrish
Glover	Riddle
Kelly	Rogers (Mobile)

Russell
St. John
Simpson
Starnes
Stephens
Swift

Taylor
Thomas
Tucker
Walden
Wellborn
Woodall

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Taylor
Carlton	Locke	St. John	Thomas
Chesnut	Mixon	Simpson	Tucker
Cook	Mooneyham	Starnes	Walden
Frazer	Parrish	Stephens	Wellborn
Glover	Riddle	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill: H. B. 963:

A BILL

To be entitled An Act to propose an amendment to the Constitution of Alabama permitting certain school districts in Lawrence County, Alabama, to levy and collect for school purposes a tax of three mills in addition to all taxes now authorized.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, to-wit: Enon School District, Hendon School District, Oakville School District, Cave Springs School District, Center School District, Piney Grove School District, Shiloh School District and Speake School District in Lawrence County, Alabama, shall each have the right and power by vote of a majority of the qualified electors of such district at an election held for that purpose to levy and collect for the purpose of acquiring, constructing or repairing of school buildings in such districts or paying for school buildings already built, a tax of not over three mills in any one year; in addition to all other taxes now authorized by law. The election in such district to determine whether or not such tax shall be levied shall be called, held and conducted as now provided by law for calling, holding and conducting of election to determine whether or not a three mill district school tax shall be levied and collected.

Section 2. This amendment shall be submitted to the qualified electors of the State on the first Tuesday following the expiration of ninety days after the final adjournment of the Legislature.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Russell	Thomas
Carlton	Mooneyham	St. John	Tucker
Cook	McDowell	Simpson	Walden
Dorsey	Parrish	Starnes	Walton
Kelly	Riddle	Stephens	Wellborn
Kuykendall	Rogers (Mobile)	Taylor	Woodall

—24

Nays:—None.

The bill, H. 499:

A BILL,

To be entitled An Act to submit to the qualified electors of Alabama an amendment to the Constitution of Alabama authorizing Lawrence County to increase its indebtedness in a sum not exceeding \$130,000 in addition to that now authorized, for the purpose of constructing and equipping a courthouse; authorizing the issuance and sale of bonds therefor; authorizing the levy and collection of taxes on all taxable property in Lawrence County at a rate not exceeding 3 mills to pay said indebtedness; to provide that said levy and collection of taxes for said purpose shall not be continued for a period of more than 25 years from the date of the levy thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed by the Legislature for the consideration of the qualified electors of Alabama, namely;

Lawrence County may become indebted and may issue bonds therefor in an amount not exceeding \$130,000 in addition to that now authorized, for the construction of and equipping of a courthouse in said county. To pay said indebtedness, and interest thereon, Lawrence County may levy and collect an annual tax on all property situated therein at a rate not in excess of 3 mills. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of the construction and equipping of said courthouse hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the County Governing Body of said County; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate of taxation first shall have been authorized by a majority of the qualified electors of said county voting upon such proposal at an election to be called by said county governing body for said purposes to be held not less than sixty (60) nor more than (120) One hundred twenty days after the adoption of this amendment.

Section 2. It is ordered by the Legislature that an election by the qualified electors of this State upon the aforesaid proposed amendment to be held at the general election next succeeding the present session of the Legislature. On the official ballot provided for such election, there shall be printed the following:

Lawrence County may become indebted and may issue bonds therefor in an amount not exceeding \$130,000 in addition to that now authorized, for the construction of and equipping of a courthouse in said county. To pay said indebtedness, and interest thereon, Lawrence County may levy and collect an annual tax on all property situated therein at a rate not in excess of 3 mills. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of the construction and equipping of said courthouse hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the County Governing Body of said County; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate of taxation first shall have been authorized by a majority of the qualified electors of said county voting upon such proposal at an election to be called by said county governing body for said proposes to be held not less than sixty (60) nor more than One Hundred (120) days after the adoption of this amendment. (Yes———. No———.)

Section 3. The officers to hold such election shall be the same as provided for the general election; and the returns shall be canvassed and the proclamation of the result shall be made as is provided by general laws relating to elections on constitutional amendments.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Carlton
Chesnut
Cook
Dorsey
Kelly
Kuykendall

Mixon
Mooneyham
McDowell
Parrish
Riddle
Rogers (Mobile)
Russell

St. John
Simpson
Starnes
Stephens
Swift
Taylor

Thomas
Tucker
Walden
Walton
Wellborn
Woodall

—26

Nays:—None.

The bill:

H. 330. To designate the time, each year, when the Board of Registrars shall sit for the purpose of registering voters, purging the

registration list, and hearing objections to names being stricken from the registration list, in all counties in this state which may now or hereafter have a population of not less than 100,000 nor more than 300,000 according to the last or any succeeding Federal census; to provide that said sessions shall be in lieu of all other sessions now authorized by law; to provide that the partial invalidity of this act shall not affect the remainder hereof; to repeal all laws or parts of laws in conflict herewith; and to provide when this act shall become effective.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Carlton	Mixon	Simpson	Tucker
Cook	Mooneyham	Starnes	Walden
Fletcher	McDowell	Stephens	Walton
Frazer	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 1042. To make it a Misdemeanor, to pursue, catch, take or kill, or to attempt to pursue, catch, take or kill or hunt any wild animal, bird or game, by the use of or while using, any head light, or lighted device, or light of any kind, in Washington County, and to prescribe the penalty therefor.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Fletcher	Parrish	Stephens	Wellborn
Glover	Riddle	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 1051. To relieve all persons in Covington, County, Alabama, of any legal obligation to work on the public roads in said County, or pay any money in lieu of such obligation to work on the public roads in Covington County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:**Messrs.:*

Bonner	Locke	Russell	Taylor
Chesnut	Mixon	St. John	Thomas
Cook	Mooneyham	Simpson	Tucker
Fletcher	McDowell	Starnes	Walden
Glover	Parrish	Stephens	Wellborn
Kelly	Riddle	Swift	Woodall
Kuykendall	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 1043. To relieve all persons in Washington County, Alabama, of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such legal obligations to work on the public roads in Washington County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:**Messrs.:*

Bonner	Locke	Russell	Taylor
Chesnut	Mixon	St. John	Thomas
Cook	Mooneyham	Simpson	Tucker
Fletcher	McDowell	Starnes	Walden
Glover	Parrish	Stephens	Wellborn
Kelly	Riddle	Swift	Woodall
Kuykendall	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 1030. To require the tax assessors and tax collectors of the several counties in this State, having a population of not less than 75,000 nor more than 110,000 people, according to the last or any succeeding Federal Census, in addition to assessing and collecting the ad valorem taxes due the State and said counties on motor vehicles, to collect the ad valorem taxes on motor vehicles due all cities and municipalities in such counties; to provide for reports and payments of collections by tax collectors; and to fix compensation of said assessors and collectors for the performance of their duties under this Act, which shall be in addition to compensation now received by them for assessing and collecting taxes for the State and such counties; and to repeal all laws or parts of laws, general or local in conflict with this Act.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:**Messrs.:*

Bonner	Fletcher	Kuykendall	McDowell
Chesnut	Glover	Mixon	Parrish
Cook	Kelly	Mooneyham	Riddle

Rogers (Mobile)	Starnes	Thomas	Walton
Russell	Stephens	Tucker	Wellborn
St. John	Swift	Walden	Woodall
Simpson	Taylor		

—26

Nays:—None.

The bill:

H. 1024. To amend an Act entitled: "An Act to authorize the Sheriff of Walker County, Alabama, to appoint two special and general deputies, fix their tenure of office, prescribe their duties, fix their compensation and to authorize and require the County Commission for Walker County, Alabama, to pay the same by warrants drawn on the Treasurer and paid out of the general funds of said County, and to require said deputies to give bonds in the sum of \$2,000.00 each, payable to said Sheriff with conditions as required by Section 2595 of the Code of Alabama, 1923," approved _____, 1935, to provide that the County Commission of Walker County, Alabama, may at its election, after the expiration of two years from the appointment of said deputies sheriff, discontinue appropriation of County funds for the payment of their salaries.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Dorsey	Parrish	Stephens	Walton
Frazer	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 1023. To allow the Sheriff of Tallapoosa County mileage for transporting prisoners to and from the county jail at Dadeville to the Court House in Alexander City there to stand trial at any term of the County Court or Circuit Court of Tallapoosa County at Alexander City, and to provide for the payment of such mileage from the General Fund of Tallapoosa County.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Simpson
Carlton	Kuykendall	Riddle	Starnes
Cook	Locke	Rogers (Mobile)	Stephens
Fletcher	Mooneyham	Russell	Swift
Glover	McDowell	St. John	Taylor

Thomas Tucker	Walden Walton	Wellborn	Woodall	—26
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Nays:—None.

The bill:

H. 793. For the relief of K. C. Tigner, Tax Assessor of Russell County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:				
Carlton	Locke	St. John	Thomas	
Chesnut	Mixon	Simpson	Tucker	
Dorsey	Mooneyham	Starnes	Walden	
Fletcher	McDowell	Stephens	Walton	
Glover	Riddle	Swift	Wellborn	
Kelly	Rogers (Mobile)	Taylor	Woodall	
Kuykendall	Russell			—26

Nays:—None.

The bill:

H. 794. For the relief of George G. Wallace, Jr., Tax Collector of Russell County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:				
Carlton	Locke	St. John	Thomas	
Chesnut	Mixon	Simpson	Tucker	
Dorsey	Mooneyham	Starnes	Walden	
Fletcher	McDowell	Stephens	Walton	
Glover	Riddle	Swift	Wellborn	
Kelly	Rogers (Mobile)	Taylor	Woodall	
Kuykendall	Russell			—26

Nays:—None.

The bill:

H. 1004. To relieve W. F. Nichols of any and all liability for and on account of loss sustained in the account of the State Demonstration Farm, Sylacauga, Alabama, of money deposited in the First National Bank of Sylacauga, Alabama, when it failed.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:				
Bonner	Kelly	McDowell	St. John	
Carlton	Kuykendall	Parrish	Simpson	
Cook	Locke	Riddle	Starnes	
Fletcher	Mixon	Rogers (Mobile)	Stephens	
Frazer	Mooneyham	Russell	Swift	

Taylor
ThomasWalden
Walton

Wellborn

Woodall

—26

Nays:—None.

The bill: H. 8:

A BILL

To be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held on the second Tuesday next after the expiration of three months after the final adjournment of the present session of the legislature, an amendment to the Constitution of Alabama to be as follows: "Amendment XXIX to the Constitution of Alabama. Any person who was duly registered as an elector on January 1, 1932, and shall have paid on or before the first day of February next preceding the election at which he offers to vote all poll taxes due from him for the year 1933 and each subsequent year and complied with all other requirements under the Constitution except as otherwise herein provided with respect to payment of poll taxes, can become a qualified elector. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed and an election by the qualified electors of the State of Alabama is hereby ordered upon such proposed amendment, and the date appointed for such election is the second Tuesday next after the expiration of three months from the final adjournment of the present session of the Legislature at which this amendment is proposed. The proposed amendment is as follows: "Amendment XXIX to the Constitution of Alabama. Any person who was duly registered as an elector on January 1, 1932, and shall have paid on or before the first day of February next preceding the election at which he offers to vote all poll taxes due from him for the year 1933 and each subsequent year and complied with all other requirements under the Constitution except as otherwise herein provided with respect to payment of poll taxes, can become a qualified elector. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X, Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least four (4)

successive weeks next preceding the day hereby appointed for such election.

Section 3. That at the election on the amendment ordered by this Act, the qualified electors of the State of Alabama shall vote upon such proposed amendment, and on the official ballots printed for said election there shall be printed the following: "Amendment XXIX to the Constitution of Alabama. Any person who was duly registered as an elector on January 1, 1932, and shall have paid on or before the first day of February next preceding the election at which he offers to vote all poll taxes due from him for the year 1933 and each subsequent year and complied with all other requirements under the Constitution except as otherwise herein provided with respect to payment of poll taxes, can become a qualified elector. Nothing herein contained shall change, alter or abrogate the provisions of Amendment X Section 194½ to the Constitution of Alabama, but said Amendment shall continue in full force and effect.

Yes———.
No———."

Section 4. That the votes cast in said election shall be counted, canvassed, tabulated and return made to the Secretary of State in the same manner as provided in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Section 5. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the Election Laws of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with this Act, the law governing General Elections, and the Constitutional provisions concerning amendments to the Constitution; the expenses of the election, including the cost of the publication of the notice prescribed herein, shall be paid out of the same funds and in the same manner as expenses of General Elections.

Was read a third time and lost.

Yeas, 13; Nays, 14.

Yeas:

Messrs.:

Chesnut

Cook

Glover

Kelly

Kuykendall

St. John

Simpson

Starnes

Stephens

Swift

Tucker

Walton

Woodall

*Nays:**Messrs.:*

Bonner	Mixon	Rogers (Mobile)	Thomas
Dorsey	Mooneyham	Russell	Walden
Frazer	McDowell	Taylor	Wellborn
Locke	Parrish		

—14

PAIR ANNOUNCED

Mr. Carlton announced that he and Mr. Riddle were paired on this vote; that Mr. Riddle, if present, would vote "aye," and he, Mr. Carlton, would vote "no."

Mr. Bonner moved that the vote by which said bill was passed be re-considered, which motion was lost and the Senate refused to re-consider said vote.

The bill:

H. 951. To amend Subdivision 3 of Section 231 of the Code of Alabama of 1923, as amended by Act approved June 6, 1935.

Was read a third time at length and passed.

Yeas, 16; Nays, 13.

*Yeas:**Messrs.:*

Bonner	Glover	Mooneyham	Stephens
Chesnut	Kelly	Parrish	Swift
Cook	Kuykendall	Russell	Tucker
Fletcher	Mixon	St. John	Woodall

—16

*Nays:**Messrs.:*

Carlton	McDowell	Starnes	Walden
Dorsey	Rogers (Mobile)	Taylor	Walton
Frazer	Simpson	Thomas	Wellborn
Locke			

—13

The bill:

H. 1039. To Provide a Method for filling vacancies which now exist on boards of revenue, or like bodies, in the counties of Alabama; to provide for an election or elections and the holding of same.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:**Messrs.:*

Bonner	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	McDowell	Swift	Woodall
Glover	Parrish	Taylor	

—27

Nays:—None.

The bill:

H. 175. To abolish the office of Deputy Circuit Clerk of the Criminal Division of the Circuit Court which was created by an Act entitled "An Act to create the office of Deputy Circuit Clerk of the Criminal Division of the Circuit Court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent Federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such Deputy Circuit Clerk," approved February 3rd, 1923; to require that all duties, powers and acts pertaining to and required of such Deputy Circuit Clerk be performed by the Clerk of the Circuit Court of such counties, and to provide for the transfer of all books, records, documents, papers and moneys, in the possession of such Deputy Circuit Clerk collected from, or pertaining to, cases pending or disposed of in the Criminal Division of the Circuit Court to the Clerk of the Circuit Court of such counties, and to provide that such Deputy Circuit Clerk shall be Assistant Circuit Clerk and perform the duties of an assistant circuit clerk; to fix the duration of such duties and to provide the compensation for such services.

Was taken up.

Mr. Simpson offered the following substitute for said bill to-wit:

Substitute for House Bill 175:

A BILL

To be entitled An Act to abolish the office of Deputy Circuit Clerk of the Criminal Division of the Circuit Court which was created by an Act entitled "An Act to create the office of Deputy Circuit Clerk of the Criminal Division of the Circuit Court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such Deputy Circuit Clerk," approved February 3, 1923; to require that all duties, powers and acts pertaining to and required of such Deputy Circuit Clerk be performed by the Clerk of the Circuit Court of such counties, and to provide for the transfer of all books, records, documents, papers and moneys in the possession of such Deputy Circuit Clerk collected from, or pertaining to, cases pending or disposed of in the Criminal Division of the Circuit Court to the Clerk of the Circuit Court of such Counties; and to provide that such Deputy Circuit Clerk shall be and others may be employed by the Circuit Clerk; to fix the duration of such

duties and to provide for the compensation and conditions for such service; and to provide the effective date hereof.

Be it enacted by the Legislature of Alabama:

Section 1. The office of Deputy Circuit Clerk of the Criminal Division of the Circuit Court, which was created by an Act approved February 3rd, 1923, entitled "An Act to create the office of Deputy Circuit Clerk of the Criminal Division of the Circuit Court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such Deputy Circuit Clerk," be and the same is hereby abolished.

Section 2. The Clerk of the Circuit Court of such counties be and he is hereby directed and authorized to perform all duties, powers and acts pertaining to and required of such Deputy Circuit Clerk of the Criminal Division of the Circuit Court of such counties, and such Deputy Circuit Clerk be and he is hereby required and directed to transfer all books, records, documents, papers and moneys in his possession, collected from, or pertaining to cases pending or disposed of in the Criminal Division of the Circuit Court to the Clerk of the Circuit Court of such Counties.

Section 3. It is the purpose of the Legislature by this Act to effect economy, to further consolidate and facilitate the functioning of the courts, and in doing so to disturb the functioning of the offices involved as little as possible. To perform the additional duties imposed upon him by this Act, the Clerk of the Circuit Court is hereby authorized and directed to employ the person who shall at the time this Act becomes effective be holding the office of Deputy Circuit Clerk under said Act approved February 3, 1923, and assign to him duties in the office of the said Circuit Clerk, and until the 20th day of November, 1940, his compensation is hereby fixed at the sum which he would have received had the said office of Deputy Circuit Clerk not been hereby abolished, namely, \$4200.00 per annum, payable in equal monthly installments out of the general funds of said County, and thereafter his compensation shall be such as may then be provided by law applicable to other employees of the Circuit Clerk. The person now holding the said office of Deputy Clerk, while in the employ of the said Circuit Clerk, shall in all respects be subject to the provisions of any applicable Civil Service Law, except as to salary for the period ending November 20, 1940, and will be deemed to have attained permanent Civil Service status.

Section 4. In the event it shall be necessary for the said Circuit Clerk to have further and other assistants in the discharge of

the additional duties imposed upon him by this Act, he is hereby authorized and required to select the employees required to render such additional assistance from among those persons now employed in the office of the said Deputy Circuit Clerk provided for in said Act approved Feb. 3, 1923. Said employees, if any, so required by the Circuit Clerk, shall, for the purposes of any Civil Service Law applicable, be treated as if they had been employees of the said Circuit Clerk for the same period and at the same duties and on the same status as they may have been employed in the office of said Deputy Clerk hereby abolished.

Section 5. This Act shall become effective on the first day of the calendar month next succeeding its enactment.

Which was adopted.

Yeas, 26 ; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Fletcher	Parrish	Stephens	Walton
Kelly	Riddle	Swift	Wellborn
Kuykendall	Rogers (Mobile)	Taylor	Woodall
Locke	Russell		

—26

Nays:—None.

And said bill, as amended, was read a third time a length and passed.

Yeas, 26 ; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Fletcher	Parrish	Stephens	Walton
Kelly	Riddle	Swift	Wellborn
Kuykendall	Rogers (Mobile)	Taylor	Woodall
Locke	Russell		

—26

Nays:—None.

The bill:

H. 986. To provide plans of apportionment and distribution of school funds by county boards of education to boards of education of independent cities in the county.

Was read a third time at length and passed.

Yeas, 22 ; Nays, 7.

Yeas:

Messrs.:

Bonner	Chesnut	Fletcher	Kelly
Carlton	Cook	Glover	Kuykendall

Mixon
Mooneyham
Parrish
Russell

St. John
Simpson
Stephens
Swift

Thomas
Tucker
Walden

Walton
Wellborn
Woodall

—22

Nays:

Messrs.:

Dorsey
Frazer

Locke
McDowell

Rogers (Mobile)
Starnes

Taylor

—7

The bill:

H. 757. To provide and regulate in all cities in this State having a population of 200,000 or more according to the last or any subsequent Federal census the ownership, operation and maintenance of city passenger automobiles; to provide that such passenger automobiles shall be owned by such cities for the exclusive use of the police and fire departments; to provide for the disposition of other such automobiles; to provide that such police and fire department automobiles be distinctively colored, and operated and maintained by written orders which are to be recorded in public books; and to provide that any violation of this Act shall constitute a misdemeanor.

Was taken up.

Mr. Simpson offered the following substitute for said bill, to-wit:

Substitute for House bill 757.

A BILL

To be entitled An Act to provide for, regulate, control and prohibit the ownership, use, operation and maintenance of passenger automobiles by all cities in this State having a population of 200,000 persons or more, according to the last or any subsequent federal census; to provide the terms and conditions under which officers, deputies, agents and employees of such cities may be provided with such automobiles by such cities, or may use the same and the storage thereof; to generally provide for the use, operation, maintenance, identification and general control of such automobiles so as to prevent fraud and imposition on such cities by those using the same, as well as others, and to provide the punishment for the violation hereof.

Be it enacted by the Legislature of Alabama:

Section 1. This Act shall be effective only in cities having a population of two hundred thousand persons or more, according to the last or any subsequent federal census, and when the word "City" is used herein, it shall be understood as applying only to a city in such population class. By the word "automobile" as used herein is meant passenger automobile.

Section 2. No person who is a member of the governing board or body by whatever name it may be called of a City shall be provided at the expense of such City with a passenger automobile for either the public, private, or official use of such person. It shall be unlawful for such person to buy gasoline or other motor fuel or motor oil or automotive accessories, including tires, from such City. It shall be unlawful for such official to receive from such City an allowance in money or other thing of value in lieu of expenses incurred or to be incurred by such person for automobile transportation for himself or any other person whomsoever.

Section 3. It shall be unlawful for any member of such governing body to buy, or receive as a gift or otherwise, from such City, either directly or indirectly, any gasoline, oil, grease, automobile, or other article or commodity used or usable in connection with automobiles, owned or controlled by such City, or to use the same except in the performance of his official duty, or for any person connected with such City to vote for, or participate in, any such sale or disposition of such member.

Section 4. It shall be unlawful for any member of such governing body to vote for any allowance to be made to, or for the benefit of, a member of such governing body, for or on account of the use of any automobile owned or controlled by a member of such governing body, or for or on account of gasoline, oil or grease consumed or used by such automobile, or for or on account of any other cause connected with said automobile or the operation or maintenance thereof, and it shall also be unlawful for any member of such governing body to accept or receive any such allowance.

Section 5. The governing body of each such City is hereby charged with the duty of causing the outward surface of each passenger automobile owned or controlled by such City, except those devoted exclusively to the use of the fire or police departments, to be maintained, at all times while so owned or controlled, a bright red or crimson color, and also with the further duty of causing to be maintained upon the outer surface of each such automobile, in a conspicuous place and of different color, the unobscured name of such City in plain letters and figures at least four inches high, and it shall be unlawful for any person to drive or operate any such automobile while any of the aforesaid duties remain unfulfilled and unperformed. It shall also be unlawful for any person to drive or operate any such automobile, except one devoted exclusively to the use of the fire or police department, during any time when his name is not conspicuously displayed on the outside of each said automobile in legible letters at least two inches high.

Section 6. When an automobile is designated or assigned or the custody thereof delivered to a given person or persons for use in and about the City's business for a period longer than one calendar week, such assignment must be accomplished by formal resolution of the governing body of the City, which shall appear on its minutes, and no assignment shall be valid for more than one year from the date made.

Section 7. Any officer, agent, servant or employee of any such City, who for his own private use or purpose, or for the use or purpose of any person, firm, or corporation other than such City, uses or authorizes any other person to use any automobile owned or controlled in whole or in part by such City, or any gasoline or other motor fuel, any motor oil, any tires, accessories, or automotive equipment belonging to such City in whole or in part, shall be guilty of a misdemeanor.

Section 8. Any passenger automobiles owned by such City, except those devoted exclusively to the use of the police and fire departments, shall be placed in the City's garage or barn at the close of each day's service, and there remain until removed therefrom for further use on the next business day. Such automobile shall also remain in such barn or garage during Sundays or Holidays and during any other period when not in use. It is provided, however, that in the event an officer or employee of the City to whom an automobile has been assigned, shall make and file an affidavit with the City's governing body that it is necessary in the performance of his duties for the City for him to keep or remove said car out of said garage or barn during all or a part of the time designated for said car to be kept in said garage or barn, and if such officer or employee request the City's governing body to authorize him so to do, the governing body of the City may, if it deems the request in the best interest of the City, by resolution so authorized and approved, but such approval shall not be effective for more than twelve months from the date given. The possession of an automobile owned or controlled by such City contrary to the provisions hereof is hereby declared to be a misdemeanor.

Section 9. Except as provided in Section 8 hereof it shall be unlawful for any officer, agent or employee of such City, or of any agency or instrumentality of such City, to store or garage upon his residence premises, or upon premises controlled by him, or at any place other than a central garage or barn of such City, any passenger automobile owned or controlled by such City, at any time when such automobile is not in actual use upon the business of such city.

Section 10. It shall be unlawful for any person or persons to use or operate, or permit the use or operation of, any automobile owned or controlled by any such city for any purpose other than the public business of such city.

Section 11. The doing of any Act herein declared to be unlawful, or herein prohibited, or the violation of any of the provisions hereof, or any intentional connivance at, or circumvention, or attempt to circumvent, the provisions of this Act, shall constitute a misdemeanor, and any one adjudged to be guilty thereof shall be punished by fine not exceeding five hundred (\$500.00) dollars, and may be sentenced to hard labor for the City affected for not exceeding twelve months, one or both.

Section 12. If any provision, section, sentence, clause, or part of this Act, shall be held unconstitutional, or for any reason ineffective, it shall not affect or invalidate any of the remaining provisions of this Act. All laws or parts of laws inconsistent with the provisions hereof are hereby expressly repealed.

Section 13. This Act shall become effective at the expiration of thirty days after its enactment.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Fletcher	Parrish	Stephens	Walton
Glover	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Kuykendall	Russell		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Fletcher	Parrish	Stephens	Walton
Glover	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 948. To amend Section 2 of an Act of the Legislature of Alabama approved October 28th, 1932, entitled an Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1932; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act.

Was taken up.

The Standing Committee on Education reported the following amendment to said bill to-wit:

Amend House Bill No. 948 as follows:

Amend the title to said bill by adding after the word "act" at the end of said title, the following:

'And to exempt motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school, or while being used for any school purpose or any public or community purpose at the direction of or by authority of the Superintendent of Education having supervision over the school or schools regularly served by such motor vehicles, from any license tax or registration fee as a contract carrier or common carrier or jitney bus.'

Amend subdivision 1 of Section 2 of said bill by adding after the words "such motor vehicles" at the end of said subdivision 1, the following:

"and such motor vehicles, while being so used, shall be exempt from any license tax or registration fee required of a contract carrier, a common carrier, or a jitney bus."

Amend said bill by adding Section 3 thereto as follows:

"Section 3. All laws or parts of laws in conflict herewith are hereby repealed."

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Carlton	Kuykendall	Russell	Thomas
Chesnut	Locke	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Woodall
Glover	Parrish	Swift	

—27

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	Parrish	Swift	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended has passed the following Senate bill:

S. 7. To make appropriations to the State Board of Education and provide funds for the purpose of paying the interest due to the creditors of Florence State Teachers College, Jacksonville State Teachers College, Livingston State Teachers College, Troy State Teachers College, Montgomery State Teachers College, and A. & M. Institute for Negroes, said interest being on indebtedness and due prior to July 1, 1933, and all being now due to creditors of the said institutions.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Wellborn, the Senate concurred in the following amendment by the House to S. 7, the title of which is set out in the foregoing Message from the House to-wit:

Amend Senate Bill No. 7 by adding at the end of Section 1 of said Bill the following words:

"Or so much of each of the above amounts appropriated as may be necessary, in the opinion of the Governor, to discharge the debts of the said institutions above named created prior to July 1, 1933."

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Walton
Dorsey	Parrish	Swift	Wellborn
Glover	Rogers (Mobile)	Taylor	Woodall
Kuykendall			

—25

Nays:—None.

RESOLUTION

Mr. Fletcher offered the following Joint Resolution:

S. J. R. 125. Whereas it has come to the attention of the Legislature of Alabama that thirty-one out of the last thirty-five PWA projects for Alabama have been advertisely acted upon by the authorities at Washington,

And whereas the approval of a reasonable number of these projects for Alabama is absolutely essential to the present sustenance of a large number of the citizens of this State and the future welfare of the State,

THEREFORE, BE IT RESOLVED by the Senate, the House Concurring: That the Legislature express its sincere regret at the apparent severity with which Alabama projects are being dealt with and respectfully urges that fair and full consideration of all Alabama projects be accorded by the authorities in charge of these matters in the National Capitol.

And on motion of Mr. Fletcher, the Rules were suspended and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 413. To impose all the duties of the State Securities Commission of Alabama under existing law and all the duties of the Superintendent of Banks of this State, as such State Securities

Commission, upon the Attorney General of Alabama; and to invest in the Attorney General of Alabama all the authority, rights, privileges and immunities of said State Securities Commission, and of the Superintendent of Banks of this State, as such State Securities Commission; and to provide that on and after the effective date of this Act the State Securities Commission shall be composed of the Attorney General of Alabama; and to provide that the State Securities Commission shall have its office in the office of the Attorney General of this State.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Rules Committee:

S. J. R. 124. Relative to the Two Houses adjourning today to meet again on Friday, September 13, 1935 at 10:00 o'clock A.M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Chichester:

H. J. R. 413. WHEREAS, in accordance with the suggestion of the coordinator of Railroads, Mr. Joseph B. Eastman, a study is now being made by officials of railroads entering and doing business in Alabama, for the purpose of consolidating and jointly operating the terminal facilities and other properties of said railroads; and

WHEREAS, said consolidation and combined operation of railroads doing business in Alabama will ultimately retire parallel lines, merge railroad facilities, stifle competition and seriously multiply unemployment throughout the whole State: and

WHEREAS, thousands of faithful railroad employees throughout the State, who have devoted their lives to railroad services, will be thrown out of employment, lose their homes and be forced on charity or Governmental Relief, contrary to the Government policy of decreasing instead of increasing unemployment; and

WHEREAS, the resulting decrease in wages of railroad employees will deprive merchants, growers and other business interests throughout the State of several millions of dollars annually; and

WHEREAS, said elimination of railroad facilities will seriously interfere with railroad services in local communities throughout the State; and,

WHEREAS, It is a matter of common knowledge that the State of Alabama, particularly the Birmingham industrial district has suffered to a considerably greater degree during the recent economic depression than other sections of the Country, and realize that such a consolidation of railroad facilities will materially affect the revenues of the State, Counties, Municipalities, and School Districts as to a general reduction in property values;

NOW THEREFORE, BE IT RESOLVED, that the House and Senate of the Alabama Legislature do hereby record themselves as opposed to the elimination of railroad facilities in this State and do hereby urge the Senators and Congressmen from Alabama to use their influence with the Coordinator of Railroads, and with the President of the United States, to prevent the said consolidation of railroad facilities in Alabama;

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to both Senators and all Congressmen from Alabama, to Mr. Joseph B. Eastman, Coordinator of Railroads, and to Franklin D. Roosevelt, President of the United States.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 413, set out in the foregoing message from the House was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 380. To authorize and direct the expenditure from their annual appropriations for research by the University of Alabama and by the Alabama Polytechnic Institute, of a sum not to exceed in the aggregate \$5,000.00 each per annum for four years, such expenditure to be made by the University of Alabama and by the Alabama Polytechnic Institute for the purpose of extending and improving the uses of the naval stores products of the State of Alabama, and for the purpose of increasing its consumption, pro-

vided any amount so spent shall be matched by a donation from the Naval Stores Industry.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate Amendments to the following House bills:

By Mr. Connor:

H. 757. To provide for, regulate, control and prohibit the ownership, use, operation and maintenance of passenger automobiles by all cities in this State having a population of 200,000 persons or more, according to the last or any subsequent federal census; to provide the terms and conditions under which officers, deputies, agents and employees of such cities may be provided with such automobiles by such cities, or may use the same and the storage thereof; to generally provide for the use, operation, maintenance, identification and general control of such automobiles so as to prevent fraud and imposition on such cities by those using the same, as well as others, and to provide the punishment for the violation hereof.

Also:

By Mr. Adams:

H. 755. To provide for, regulate, control and prohibit the ownership, use, operation and maintenance of passenger automobiles by all counties in this State having a population of 300,000 persons or more, according to the last or any subsequent federal census; to provide the terms and conditions under which officers, deputies, agents and employees of such counties may be provided with such automobiles by such counties, or may use the same and the storage thereof; to generally provide for the use, operation, maintenance, identification and general control of such automobiles so as to prevent fraud and imposition on such counties by those using the same, as well as others, and to provide punishment for the violation hereof.

Also:

By Mr. Chichester:

H. 175. To abolish the office of Deputy Circuit Clerk of the Criminal Division of the Circuit Court which was created by an Act entitled "An Act to create the office of Deputy Circuit Clerk of the Criminal Division of the Circuit Court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent federal census; to provide

for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such Deputy Circuit Clerk," approved February 3, 1923; to require that all duties, powers and acts pertaining to and required of such Deputy Circuit Clerk be performed by the Clerk of the Circuit Court of such counties, and to provide for the transfer of all books, documents, papers and moneys in the possession of such Deputy Circuit Clerk collected from, or pertaining to, cases pending or disposed of in the Criminal Division of the Circuit Court to the Clerk of the Circuit Court of such Counties, and to provide that such Deputy Circuit Clerk shall be and others may be employed by the Circuit Clerk; to fix the duration of such duties and to provide for the compensation and conditions for such service; and to provide the effective date hereof.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 73. Relating to the liability of owners and operators of motor vehicles to guests.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 248. • To amend Sections 1048, 1050, 1052, 1055, 1061, 1064, 1067, 1068, 1069, 1070, 1072, 1076, 1077, 1078, 1079, 1082, 1085, 1092, 1093, 1096, 1103, 1104, 1105, 1108, 1114, 1118, 1119, 1120, 1124, 1125, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1139, 1140, 1143, 1144, 1145, 1148, 1158, 1199, 1205, 1219, 4377, 4464, 4465, 4466, 4468, 4469, 4470, 4472, 4473, 4477, and 4478, of the Code of Alabama of 1923, all relating to the public health of Alabama.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 409. To authorize and empower the governor to contract rental or lease agreements with persons, firms, or corporations

owning bridges across streams between counties and on state maintained highways, so as to make said bridges free for crossing of the travelling public and to provide for the payment of A maximum yearly rental thereon.

Also:

S. 318. To amend Section 4 of an Act entitled "An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and/or housing projects; to provide for the creation of such housing authorities; to define the powers and duties of such housing authorities and to provide for the exercise of such powers including the borrowing of money, issuance of bonds and other obligations and the giving of security therefor to provide for the payment of such bonds and other obligations with the approval and consent of a Board to be known as the Public Works Board of Alabama; and to provide for the remedies of bond and other obligation holders of such housing authorities," approved February 8, 1935.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

BILLS ON THIRD READING RESUMED

The bill:

H. 769. To authorize, provide for and regulate a non-profit corporation for the establishment, maintenance and operation of a plan for hospitalization of citizens of Alabama in hospitals approved by the Alabama Hospital Association and the State Board of Censors of the Alabama Medical Association.

Was taken up.

The Standing Committee on Public Health reported the following amendment to said bill to-wit:

Amend Section 2 of H. B. 769 by adding thereto subdivision (g) to read as follows: "(g) Attached to the certificate of incorporation must be a certificate signed by the superintendent of Insurance stating that no other such corporation has been organized under this act or authorized to do business by the said Superintendent of Insurance."

Amend Section 9 of H. B. 769 by striking therefrom where they appear to-gether therein the following words: "but the liability of said hospital shall extend no further."

On motion of Mr. Kelly, said amendment was laid on the table.

Mr. Kelly offered the following amendment to said bill to-wit:

Amend Section 9 of H. B. 769 by striking therefrom where they appear to-gether therein the following words: "but the liability of said hospital shall extend no further."

Amend title to read:

"To authorize, provide for and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service."

Amend the bill by striking the first sentence section 4 entirely.

Amend Section 5 by striking the first word "The" and substituting the word "Every" and by adding to the end thereof the following:—"No such corporation shall issue or sell any contract until the same shall have been approved in writing by the Superintendent of Insurance."

Further amend Section 5, line four, by substituting "Two Hundred Dollars (\$200.00) for the words "Twenty-five dollars (\$25.00)."

Further amend Section 5 by adding at the end of the third sentence (page 3), "And such certificate shall state the retail value of all items or classes of service agreed to be furnished.", and by striking from such third sentence the phrase "as nearly as possible."

Amend Section 6 by striking all except the first sentence.

Amend Section 7 by substituting in the second sentence thereof the words "Five (\$5.00) Dollars" for the words "Four (\$4.00) Dollars."

Amend Section 8 by adding at the end of the first sentence, "And shall be adequate to meet the liability assumed under such contracts and all expenses incurred in connection therewith."

Amend Section 9 to read as follows:

"Sec. 9. Every such corporation shall deposit with and thereafter maintain on deposit with the Treasurer of the State of Alabama bonds of the United States Government or of the State of Alabama, or of any subdivision thereof, or first mortgages on real estate situated in Alabama securing an indebtedness not in excess of fifty (50%) per cent of the appraised value thereof, subject to the approval of the Superintendent of Insurance, in an amount to be determined as of the 1st day of January of each year as follows: Every such company whose gross annual premium receipts from business done within this state for the preceding year ending December 31st are less than \$50,000. shall so deposit and maintain such securities of par and market value not less than \$5,000.00; every such company whose such gross annual premium receipts so computed are in excess of \$50,000. and less than \$150,000. shall so deposit and maintain such securities of par and market value not less than \$10,000.00; every such company whose such gross annual premium receipts so computed are in excess of \$150,000.00 and less than \$250,000.00 shall so deposit and maintain such securities of par and market value not less than \$15,000.00; every such company whose such gross annual premium receipts so computed shall exceed the sum of \$250,000. shall so deposit and maintain such

securities of a par and market value of not less than \$20,000.00; Provided that before any such company shall be licensed to or shall engage in any business in this state it shall so make an initial deposit of such securities of a par and market value not less than \$3,000.00. The securities so deposited may from time to time with the approval of the Superintendent of Insurance and the State Treasurer be substituted for other authorized securities of equal value. The Deposit so maintained shall constitute a trust fund primarily for the security of persons holding certificates or policies of such company.

Amend Section 11 so as to read as follows: "On or before the 1st day of March of each year every such company transacting business in this state shall file with the Superintendent of Insurance a statement showing the amount of gross premiums received by it for business done in this state during the preceding calendar year ending December 31st, less return premiums, and the number of contracts, certificates or policies outstanding, at which time every such company shall pay to the Superintendent of Insurance one dollar (\$1.00) for each One Hundred (\$100.00) of such gross premiums, less return premiums.

Amend Sec. 12 by adding at the end thereof the following: "Every such corporation shall charge as the liability for reinsurance, or reinsurance reserve fund, of all outstanding certificates or policies fifty percent of the premiums or charges received on policies or certificates having not more than one year to run, and on certificates or policies having more than one year to run, such a proportion of the total premiums as the unexpired portion of the term bears to the entire term, subject to a minimum of fifty percent of the regular premium of one year. Every such corporation shall at all times hold assets equal to such aggregate amount so computed over and above all other liabilities."

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner
Carlton
Chesnut
Cook
Fletcher
Frazer

Kelly
Kuykendall
Mixon
Mooneyham
McDowell
Parrish

Rogers (Mobile)
Russell
Simpson
Starnes
Stephens
Swift

Taylor
Thomas
Tucker
Walden
Walton
Woodall

—24

Nays:—None.

On motion of Mr. Walton, further consideration of said bill was postponed until the next Legislature day and same made a Special, Paramount and Continuing Order for that day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 247. To amend Sections 1058, 1063, 1074, 1081, 1141, 1146, and 2051 of the Code of Alabama, as amended by the Acts of 1927, all of which relate to the public health of Alabama.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kelly, the Senate concurred in the following amendment by the House to S. 247, the title of which is set out in the foregoing Message from the House to-wit:

Amend Senate Bill 247 by adding to Section 1058 of the code as amended therein a new sub-section to be numbered (20) and which shall read as follows:

(20) To prepare and file for permanent record with the court of county commissioners, or like body, an annual statement of receipts and disbursements of his unit. Said statement may be reasonably condensed but shall be sworn to, shall be open to public inspection at all times and shall reveal the salary and or other compensation of the county health officer and all other persons paid from funds of the unit, each listed separately. The statement shall set out the amounts received by the unit from each source of its revenue and shall be filed within not more than ninety days following the close of the unit's fiscal year, and said statement shall be spread upon the minutes of the said commissioners, or like body.

Amend S. B. 247 by striking therefrom the proposed amendment to Section 1053 of the Code of Alabama.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:

Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Stephens	Walton
Glover	Mooneyham	Swift	Wellborn
Kelly	McDowell	Thomas	Woodall

—20

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Mr. Fletcher:

S. J. R. 125. Relative to the Legislature expressing regret at the apparent severity with which Alabama Projects are being dealt with and urging that fair and full consideration of all Alabama Projects be accorded by the authorities in charge of these matters in the National Capitol.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF SECRETARY

Mr. President:

Pursuant to the requirements of Joint Rule No. 5 of the Senate and House, I respectfully report the following Senate Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. 305. To authorize the guardians of the estates of minors, persons non compos mentis, or any other persons to make mineral leases upon the real estate belonging to their wards; to define "Minerals" as used in this Act; to define "Real Estate" and "Property" as used in this Act, and to repeal sections 8155, 8156, 8157, and 8158 of the 1923 Code of Alabama.

Delivered to the Governor September 3rd, 1935, 10:50 A.M.

Also:

S. 308. To provide for the expenditure of funds now or hereafter made available for the conduct of public health work in this State; to provide for the election and compensation of the State Health Officer and to fix his term of office and to provide for the manner of determining compensation of employees of the State Health Department.

Delivered to the Governor September 3rd, 1935, 10:50 A.M.

Also:

S. 347. To abolish the office of County Treasurer for St. Clair County, Alabama, and to establish a County Depository in lieu of County Treasurer for St. Clair County, Alabama, to provide for security of County funds in such depository, and to prescribe the duties of such depository; to provide for payment of all County funds to the depository and the method thereof; to provide for the designation of a County Treasurer and his duties and compensation, if the Court of County Commissioners of St. Clair County, Alabama, shall be unable to secure a depository as herein provided.

Delivered to the Governor September 3rd, 1935, 10:50 A.M.

Also:

S. 19. To provide that courts of record of the State of Alabama shall have the power to render declaratory judgments and to provide for practice and procedure in such cases.

Delivered to the Governor September 4, 1935, at 10:45 A.M.

Also:

S. 223. To abolish causes of action for alienation of affections, criminal conversation, seduction of any female person of the age of 21 years or over, and breach of contract to marry.

Delivered to the Governor September 4, 1935, at 11:55 A.M.

Also:

S. 377. To prescribe and regulate the salary and compensation of the members of the Courts of County Commissioners and/or Boards of Revenue and/or other Governing Bodies in all counties of Alabama, which now have or may hereafter have a population of less than fifteen thousand, according to the last, or any subsequent Federal Census and to provide the manner of payment and to repeal all laws and parts of laws in conflict with this Act.

Delivered to the Governor September 4, 1935, at 11:55 A.M.

Also:

S. 378. To relieve all persons in Cleburne County, Alabama of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation, to work on the public roads in Cleburne County, Alabama.

Delivered to the Governor September 4, 1935, at 11:55 A.M.

Also:

S. 379. To authorize and empower the Courts of County Commissioners and/or Boards of Revenue, and/or other Governing Bodies of all counties of Alabama which now have or may hereafter have a population of less than fifteen thousand, according to the last, or any subsequent Federal census, to transfer any funds (except school monies and sinking funds) that may be received by the county, to the general fund of the county at any meeting of said Court, or Board of Revenue or Governing Body and to ratify like transfers heretofore made and to repeal all laws and parts of laws in conflict with this section.

Delivered to the Governor September 4, 1935, at 11:55 A.M.

Also:

S. 381. To authorize the Judge of Probate, the Tax Assessor and the Tax Collector in all counties which now or may hereafter embrace an area of twelve hundred and fifty (1250) or more square miles, where it is necessary or expedient to the efficient conduct of such offices, to employ more help than is allowed by the provisions of House Bill 324, approved July 10, 1935, when such employment is authorized and approved by the Court of County Commissioners or like governing body of such counties, duly entered on the minutes of such Court.

Delivered to the Governor September 6, 1935, at 11:15 A.M.

Also:

S. 396. To authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such County, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil" or "crude oil," commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-pep, or any other motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this act, and to provide when this act shall become effective.

Delivered to the Governor September 7th, 1935, at 9:25 A.M.

Also:

S. 420. To require the tax assessors and tax collectors of the several counties in this State, having a population of not less than 75,000 nor more than 110,000 people, according to the last or any succeeding Federal Census, in addition to assessing and collecting the ad valorem taxes due the State and said counties on motor vehicles, to collect the ad valorem taxes on motor vehicles due all cities and municipalities in such counties; to provide for reports and payments of collections by tax collectors; and to fix compensation of said assessors and collectors for the performance of their duties under this Act, which shall be in addition to compensation now received by them for assessing and collecting taxes for the State and such counties; and to repeal all laws or parts of laws, general or local in conflict with this Act.

Delivered to the Governor September 7th, 1935, at 9:25 A.M.

SECRETARY'S REPORT

The foregoing Report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the Forty-eighth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb, Chesnut, Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Forty-eighth Legislative day approved by the Senate.

ADJOURNMENT

At 6 P. M., on motion of Mr. Mooneyham and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Friday, September 13th, 1935, at ten A. M.

FORTY-NINTH DAY

Friday, September 13th, 1935.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Dr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs:			
Bonner	Glover	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Wellborn
Fletcher	McDowell	Stephens	Woodall
Frazer	Parrish	Swift	

—31

JOURNAL

On motion of Mr. Mooneyham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 428. To appropriate the sum of three hundred dollars (\$300.00) for the casting into bronze of six plaster plaques of Alabama historical characters.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 7. To make appropriations to the State Board of Education and provide funds for the purpose of paying the interest due to the creditors of Florence State Teachers College, Jacksonville State Teachers College, Livingston State Teachers College, Troy State Teachers College, Montgomery State Teachers College, and A. & M. Institute for Negroes, said interest being on indebtedness and due prior to July 1, 1933, and all being now due to creditors of the said institutions.

S. 73. Relating to the liability of owners and operators of motor vehicles to guests.

S. 247. To amend Sections 1058, 1063, 1074, 1081, 1141, 1146, and 2051 of the Code of Alabama, as amended by the Acts of 1927, all of which relate to the public health of Alabama.

S. 318. To amend Section 4 of an Act entitled "An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and/or housing projects; to provide for the creation of such housing authorities; to define the powers and duties of such housing authorities and to provide for the exercise of such powers including the borrowing of money, issuance of bonds and other obligations and the giving of security therefor to provide for the payment of such bonds and other obligations with the approval and consent of a Board to be known as the Public Works Board of Alabama; and to provide for the remedies of bond and other obligation holders of such housing authorities," approved February 8, 1935.

S. 380. To authorize and direct the expenditure from their annual appropriations for research by the University of Alabama and by the Alabama Polytechnic Institute, of a sum not to exceed

in the aggregate \$5,000.00 each per annum for four years, such expenditure to be made by the University of Alabama and by the Alabama Polytechnic Institute for the purpose of extending and improving the uses of the naval stores products of the State of Alabama, and for the purpose of increasing its consumption, provided any amount so spent shall be matched by a donation from the Naval Stores Industry.

S. 428. To appropriate the sum of three hundred dollars (\$300.00) for the casting into bronze of six plaster plaques of Alabama historical characters.

S. 395. To create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same and to retain the right to amend or repeal this Act.

S. 397. To establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article I of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof; to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide

for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith.

S. 409. To authorize and empower the governor to contract rental or lease agreements with persons, firms, or corporations owning bridges across streams between counties and on state maintained highways, so as to make said bridges free for crossing of the travelling public and to provide for the payment of a maximum yearly rental thereon.

S. 413. To impose all the duties of the State Securities Commission of Alabama under existing law and all the duties of the Superintendent of Banks of this State, as such State Securities Commission, upon the Attorney General of Alabama; and to invest in the Attorney General of Alabama all the authority, rights, privileges and immunities of said State Securities Commission, and of the Superintendent of Banks of this State, as such State Securities Commission; and to provide that on and after the effective date of this Act the State Securities Commission shall be composed of the Attorney General of Alabama; and to provide that the State Securities Commission shall have its office in the office of the Attorney General of this State.

S. 248. To amend Sections 1048, 1050, 1052, 1055, 1061, 1064, 1067, 1068, 1069, 1070, 1072, 1076, 1077, 1078, 1079, 1082, 1085, 1092, 1093, 1096, 1103, 1104, 1105, 1108, 1114, 1118, 1119, 1120, 1124, 1125, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1139, 1140, 1143, 1144, 1145, 1148, 1158, 1199, 1205, 1219, 4377, 4464, 4465, 4466, 4468, 4469, 4470, 4472, 4473, 4477, and 4478, of the Code of Alabama of 1923, all relating to the public health of Alabama.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has adopted the following House Joint Resolutions:
By Mr. Dominick:

H. J. R. 445. Whereas, Senate Bill No. 73 was introduced in the Senate by Senator Wellborn, and House Bill No. 161 was in-

roduced in the House of Representatives by Representative Quarles, the two bills being identical and introduced in both Houses concurrently;

Now therefore, Be it Resolved, by the House of Representatives, the Senate concurring, that Senate Bill No. 73 be and the same is hereby designated and known as the Wellborn-Quarles Bill.

Also:

By Mr. Heflin:

H. J. R. 444. Resolved by the House, the Senate concurring, that the Clerk of the House and the Secretary of the Senate and the Doorkeeper of the House and the Doorkeeper of the Senate be and they are hereby absolved from all liability for Volumes, 1, 2, 3, and 4 of the 1923 Code of Alabama, and the Acts of 1931, 1932, and 1933, placed on the desks of the respective members of the House and Senate and that said volumes so placed on the respective desks be and the same are hereby declared to be the property of the respective members on whose desks such books were placed and they are hereby permitted to remove the same and carry them away.

Also:

By Mr. Dominick:

H. J. R. 443. Whereas, House Bills Number 967 and Number 408 which propose that Constitutional Amendments be submitted to the people of Alabama to be voted on; and

Whereas, the bills do not specify a particular day and date on which the said Constitutional Amendments are to be voted on by the people of Alabama;

Therefore, be it resolved, that the Governor is hereby requested to return said House Bills Number 967 and Number 408 to the House, the body in which they originated, for further consideration by the House.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, the Rules were suspended and H. J. R.'s 443, 444 and 445, the titles of each of which is set out in the foregoing Message from the House, concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 348. To exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama, and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mooneyham, the Senate concurred in the following amendment by the House to S. 348, the title of which is set out in the foregoing Message from the House to-wit:

Amend Senate Bill 348 by adding at the end of Section 1 of said bill the following:

"Provided that no exemption, deduction or commutation shall be allowed any person from the license or tax on what is commonly known as rolling stores."

Amend Senate Bill 348 by adding at the end of Section 6 of said Bill the following:

"Provided that any person who transfers or assigns or attempts to transfer or assign the "War Veterans License" issued under the provision of this Bill shall forfeit all rights to any exemptions, deductions or commutation allowed by the terms of the said Bill."

Yeas, 26; Nays, 0.

Messrs:

Bonner	Kuykendall	Russell	Taylor
Browder	Locke	St. John	Thomas
Carlton	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Wellborn
Glover	Parrish	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Simpson, the Senate indefinitely postponed further consideration of the bill:

H. 160. "To Propose an Amendment to the Constitution of Alabama Authorizing each of the Three School Districts in Jefferson County known, respectively, as Shades Cahaba District No. 1, Jefferson District No. 2, and the School District composed of the City of Tarrant City, to Levy and Collect for Public School Purposes a Special District Tax not Exceeding Thirty Cents annually on each One Hundred Dollars' worth of Taxable Property in such Districts, respectively, in addition to all other Taxes now author-

ized by Law, when authorized by a Majority of the Qualified Electors of such School District voting at an Election called for that Purpose; to Order an Election by the qualified Electors of the State upon such Proposed Amendment; and to Provide for the holding of Elections to Authorize the Levy and Collection of such Taxes, and to Provide for the Levy and Collection of such Taxes.

On motion of Mr. Browder, the Senate indefinitely postponed further consideration of the bill:

H. 1053. To repeal an act "To allow the Sheriff of Marshall County, Alabama an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the general funds of Marshall County in monthly installments" approved July 2, 1935.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House Joint Resolution, your signature thereto is requested:

H. 175. To abolish the office of Deputy Circuit Clerk of the Criminal Division of the Circuit Court which was created by an Act entitled "An Act to create the office of Deputy Circuit Clerk of the Criminal Division of the Circuit Court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such Deputy Circuit Clerk," approved February 3, 1923; to require that all duties, powers and acts pertaining to and required of such Deputy Circuit Clerk be performed by the Clerk of the Circuit Court of such counties, and to provide for the transfer of all books, records, documents, papers and moneys in the possession of such Deputy Circuit Clerk collected from, or pertaining to, cases pending or disposed of in the Criminal Division of the Circuit Court to the Clerk of the Circuit Court of such Counties, and to provide that such Deputy Circuit Clerk shall be and others may be employed by the Circuit Clerk; to fix the duration of such duties and to provide for the compensation and conditions for such service; and to provide the effective date hereof.

Also:

H. 330. To designate the time, each year, when the Board of Registrars shall sit for the purpose of registering voters, purging the registration list, and hearing objections to names being stricken from the registration list, in all counties in this state which may now or hereafter have a population of not less than 100,000 nor more than 300,000 according to the last or any succeeding Federal

census; to provide that said sessions shall be in lieu of all other sessions now authorized by law; to provide that the partial invalidity of this act shall not affect the remainder hereof; to repeal all laws or parts of laws in conflict herewith; and to provide when this act shall become effective.

Also:

H. 755. To provide for, regulate, control and prohibit the ownership, use, operation and maintenance of passenger automobiles by all counties in this State having a population of 300,000 persons or more, according to the last or any subsequent federal census; to provide the terms and conditions under which officers, deputies, agents and employees of such counties may be provided with such automobiles by such counties, or may use the same and the storage thereof; to generally provide for the use, operation, maintenance, identification and general control of such automobiles so as to prevent fraud and imposition on such counties by those using the same, as well as others, and to provide punishment for the violation hereof.

Also:

H. 757. To provide for, regulate, control and prohibit the ownership, use, operation and maintenance of passenger automobiles by all cities in this State having a population of 200,000 persons or more, according to the last or any subsequent federal census; to provide the terms and conditions under which officers, deputies, agents and employees of such cities may be provided with such automobiles by such cities, or may use the same and the storage thereof; to generally provide for the use, operation, maintenance, identification and general control of such automobiles so as to prevent fraud and imposition on such cities by those using the same, as well as others, and to provide the punishment for the violation hereof.

Also:

H. 782. To require officers and employees of counties, cities and towns in Alabama to present itemized statements of expenses incurred while traveling and/or remaining beyond the limits of counties and municipalities while engaged in business incidental to the management or control of the affairs of the counties and municipalities and to prohibit the allowance and payment of such expenses unless itemized and approved; and to provide penalties for the violation of this Act.

Also:

H. 793. For the relief of K. C. Tigner, Tax Assessor of Russell County, Alabama.

Also:

H. 794. For the relief of George G. Wallace, Jr., Tax Collector of Russell County, Alabama.

Also:

H. 840. To provide for an election to submit to the qualified electors of Lawrence County for their approval or rejection a proposal to issue bonds in an amount not exceeding \$130,000 for the purpose of constructing and equipping a courthouse and jail building for said county; and to levy and collect taxes on all taxable property in said county at a rate not exceeding three mills, to provide a fund for the payment of said indebtedness and the interest thereon; and to provide for the issuance of said bonds and the levy of said tax over a period not exceeding twenty-five (25) years, in the event the said proposal is approved by the majority voting in said election; and to provide for the construction and equipping of said courthouse and jail building.

Also:

H. 926. To amend Section 392 of the Code of 1923, as amended by an Act approved August 20, 1927, so as to read as follows:

Also:

H. 951. To amend Subdivision 3 of Section 231 of the Code of Alabama of 1923, as amended by Act approved June 6, 1935.

Also:

H. 986. To provide plans of apportionment and distribution of school funds by county boards of education to boards of education of independent cities in the county.

Also:

H. 1004. To relieve W. F. Nichols of any and all liability for and on account of loss sustained in the account of the State Demonstration Farm, Sylacauga, Alabama, of money deposited in the First National Bank of Sylacauga, Alabama, when it failed.

Also:

H. 1023. To allow the Sheriff of Tallapoosa County mileage for transporting prisoners to and from the county jail at Dadeville to the Court House in Alexander City there to stand trial at any term of the County Court or Circuit Court of Tallapoosa County at Alexander City, and to provide for the payment of such mileage from the General Fund of Tallapoosa County.

Also:

H. 1024. To amend an Act entitled: "An Act to authorize the Sheriff of Walker County, Alabama, to appoint two special and general deputies, fix their tenure of office, prescribe their duties, fix their compensation and to authorize and require the County Commission for Walker County, Alabama, to pay the same by warrants drawn on the Treasurer and paid out of the general funds of said County, and to require said deputies to give bonds in the sum of \$2,000.00 each, payable to said Sheriff with conditions as required by Section 2595 of the Code of Alabama, 1923," approved _____, 1935, to provide that the County Commission of

Walker County, Alabama, may at its election, after the expiration of two years from the appointment of said deputies sheriff, discontinue appropriation of County funds for the payment of their salaries.

Also:

H. 1030. To require the tax assessors and tax collectors of the several counties in this State, having a population of not less than 75,000 nor more than 110,000 people, according to the last or any succeeding Federal Census, in addition to assessing and collecting the ad valorem taxes due the State and said counties on motor vehicles, to collect the ad valorem taxes on motor vehicles due all cities and municipalities in such counties; to provide for reports and payments of collections by tax collectors; and to fix compensation of said assessors and collectors for the performance of their duties under this Act, which shall be in addition to compensation now received by them for assessing and collecting taxes for the State and such counties; and to repeal all laws or parts of laws, general or local in conflict with this Act.

Also:

H. 1039. To Provide a Method for filling vacancies which now exist on boards of revenue, or like bodies, in the counties of Alabama; to provide for an election or elections and the holding of same.

Also:

H. 1042. To make it a Misdemeanor, to pursue, catch, take or kill, or to attempt to pursue, catch, take or kill or hunt any wild animal, bird or game, by the use of or while using, any head light, or lighted device, or light of any kind, in Washington County, and to prescribe the penalty therefor.

Also:

H. 1043. To relive all persons in Washington County, Alabama, of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such legal obligations to work on the public roads in Washington County, Alabama.

Also:

H. 1051. To relieve all persons in Covington County, Alabama of, any legal obligation to work on the public roads in said County, or pay any money in lieu of such obligation to work on the public roads in Covington County, Alabama.

Also:

H. J. R. 203. Relative to Location of Veterans Hospital in Alabama.

E. F. Taylor,
Clerk.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolution, the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 429. For the relief of the people of the Town and Community of Kennedy, in Lamar County, Alabama, composing Kennedy School District No. 1.

Also:

S. 402. To provide aid to dependent children, to authorize the State Department of Public Welfare to administer such aid, to authorize the county departments of public welfare to administer such aid, under the supervision of the State Department of Public Welfare, in the several counties, to authorize the County Board of Revenue or Court of County Commissioners or other governing body of the county to appropriate funds for aid to dependent children, and to authorize the State Department of Public Welfare to reimburse said counties for one-half of the sum so expended in the several counties under certain conditions.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 427. To continue the investigation of water resources of the State and to authorize the State Geologist to enter into contracts with the United States Government, or departments thereof, for cooperative action in collecting and publishing information and to make an appropriation therefor.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 77. To provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical industries; to create a Commission for the administration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act.

Also:

S. 398. To provide for the revision and codification of the general laws of Alabama relating to education.

Also:

S. 410. To more effectively provide for the supervision, inspection and regulation by Alabama Public Service Commission, in the public interest, of transportation companies, and of their rates, fares and charges, service, facilities, practices, rules and regulations and to provide for the payment of supervision and inspection fees by such transportation companies.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

BILLS ON THIRD READING

The bill:

H. 979. For the relief of S. H. Smith, Clerk of the Circuit Court of Mobile County, Alabama, from certain irregularities charged against him in an audit made by the Examiner of Accounts for the State of Alabama and submitted to the Governor of the State of Alabama on to-wit December 17th, 1934.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner
Browder
Chesnut
Cook

Fletcher
Glover
Kelly
Kuykendall

Locke
Mixon
Mooneyham
McDowell

Parrish
Rogers (Mobile)
Russell
St. John

Simpson
Starnes
Stephens

Swift
Thomas
Tucker

Walden
Walton

Wellborn
Woodall

—26

Nays:—None.

The bill:

H. 1069. To further provide for safeguarding of public monies in the hands of Tax Collectors, County Treasurers, and County Treasurers of School Funds, in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census; and in accomplishment of said purposes to require official bonds to be given and executed by said officials; to prescribe the conditions of such bonds; to provide for the amount of such bonds to be fixed and prescribed by the County Commission or like governing body of such counties; to provide for sureties thereon; to provide payment of premiums therefor; to provide for depositaries to be appointed by the County Commission or like governing body of such counties, in which such monies coming into the hands of such officials may be deposited; to provide for the liability of said officials and their bonds and sureties arising out of the deposit of public funds in depositaries so appointed; to provide for Tax Collectors in such counties making reports and disbursements and remittances of their funds; to repeal all laws or parts of laws in conflict with the provision of this Act; and to provide that if any section or part of section of this Act shall be declared unconstitutional then the remaining sections or parts of sections of this Act shall not be affected thereby.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner
Browder
Chesnut
Dorsey
Fletcher
Glover
Kelly

Kuykendall
Mixon
Mooneyham
McDowell
Parrish
Riddle
Rogers (Mobile)

Russell
Simpson
St. John
Starnes
Stephens
Swift

Taylor
Thomas
Tucker
Walton
Wellborn
Woodall

—26

Nays:—None.

The bill:

H. 1065. To fix the salary of the Judge of Probate of Calhoun County and to provide for clerical assistance and other expenses of said office to fix the salary of Tax Collector of Calhoun County, and to provide for clerical assistance and other expenses of said office; to fix the salary of the Tax Assessor of Calhoun County, and to provide for clerical assistance and other expenses of said office;

to require each of said officers to collect all the fees, compensations, and allowances, heretofore collected by said officers and which may hereafter be collected by said officers, and cover same into the County Treasury on or before the fifth day of each month, and to provide for the payment of the salary, clerical assistance, and other office expense by the Treasurer of the County.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner	Kuykendall	St. John	Thomas
Carlton	Locke	Simpson	Tucker
Cook	Mixon	Starnes	Walden
Dorsey	McDowell	Stephens	Walton
Frazer	Parrish	Swift	Wellborn
Glover	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 881. To promote the efficiency of the paid Fire Department of the City of Mobile, to provide a two platoon system in said City for said fire department, and to define the conditions under which the same shall be operated; to provide power and authority for the City Commissioners in case of serious conflagration, riot or other emergency, to provide for the granting of vacations with pay to said members of said Fire Department; to provide for the manner and notice of hearing charges preferred against members in said Fire Department of the City of Mobile; to provide for full power in the said City Commission to make rules and regulations not in conflict with this act; and to provide for the repeal of any law, or laws, or parts thereof or of any City Ordinance or Fire Department rules or regulations or parts thereof which are contrary to the provisions of this Act.

Was taken up.

Mr. Rogers of Mobile offered the following amendment to said bill to-wit:

Amend House Bill No. 881 by striking therefrom Section 4 in its entirety:

Amend the bill further by substituting in lieu of the words and figures "Section 5, 6, 7, 8, 9, and 10" wherever they occur the following: "Section 4, 5, 6, 7, 8, and 9."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner	Cook	Frazer	Kelly
Carlton	Dorsey	Glover	Kuykendall

Locke	Rogers (Mobile)	Stephens	Walden
Mooneyham	Russell	Swift	Walton
McDowell	St. John	Taylor	Wellborn
Parrish	Simpson	Thomas	Woodall
Riddle	Starnes		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner	Kuykendall	Russell	Taylor
Carlton	Locke	St. John	Thomas
Cook	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Frazer	Parrish	Stephens	Wellborn
Glover	Riddle		Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 1064. To create a Purchasing Agency for Calhoun County, Alabama, To be composed of the President of the Board of Revenue of said County, whose duties shall be to purchase books, stationery, blanks, machinery, supplies, materials, appliances and equipment for the several County offices, jails, court houses, almshouses, public roads and bridges of said county, and to define the powers and duties of said Purchasing Agency.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Browder	Kuykendall	Russell	Taylor
Carlton	Mixon	St. John	Thomas
Cook	Mooneyham	Simpson	Tucker
Fletcher	McDowell	Starnes	Walton
Frazer	Parrish	Stephens	Wellborn
Glover	Riddle	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 1066. To repeal an Act entitled an Act "To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election",

and to abolish the office of County Treasurer as provided in the said Act, approved February 7, 1923, to take effect on the first Monday after the second Tuesday in January, 1937, when the term of the present incumbent of said office expires.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Browder	Kuykendall	Russell	Taylor
Carlton	Mixon	St. John	Thomas
Cook	Mooneyham	Simpson	Tucker
Fletcher	McDowell	Starnes	Walton
Frazer	Parrish	Stephens	Wellborn
Glover	Riddle	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 1060. To create the office of County Solicitor of Pickens County, Alabama, to provide for the election of such officer by the qualified voters of said County, to prescribe his powers, duties and qualifications, to provide for his compensation, fix the term of his office, provide for his election, the time of the election of his successors in office and to repeal all general and local laws in conflict therewith so far as they relate to said Pickens County.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner	Kuykendall	Russell	Taylor
Carlton	Locke	St. John	Thomas
Cook	Mixon	Simpson	Tucker
Dorsey	McDowell	Starnes	Walden
Fletcher	Parrish	Stephens	Wellborn
Glover	Riddle	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 1059. To abolish the office of Deputy Solicitor of Pickens County, Alabama, to fix the time when such office shall be abolished and to provide that such act shall not affect any general, special or local laws except as herein provided for.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner	Cook	Fletcher	Kelly
Carlton	Dorsey	Glover	Kuykendall

Locke	Rogers (Mobile)	Stephens	Tucker
Mixon	Russell	Swift	Walden
McDowell	St. John	Taylor	Wellborn
Parrish	Simpson	Thomas	Woodall
Riddle	Starnes		

—26

Nays:—None.

The bill:

H. 1012. To provide for the election of three school district trustees in the several school districts of Henry County, Alabama, by the bona fide patrons of said districts and who reside therein; to provide for the holding of such elections by and under the supervision of the County Superintendent of Education of Henry County; to fix the term of office of said school trustees and the election of their successors; and to provide for filling vacancies in such office; to prescribe their duties, powers and authority as such trustees in the several school districts of the County; and to repeal all laws and parts of laws in conflict with the provisions and purposes of this Act:

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:			
Bonner	Kuykendall	Russell	Taylor
Browder	Locke	St. John	Thomas
Chesnut	Mooneyham	Simpson	Walden
Cook	McDowell	Starnes	Walton
Fletcher	Parrish	Stephens	Wellborn
Glover	Riddle	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 1057. To amend Sections II, III, V and VI of an Act entitled "An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof," which became a law July 24, 1931, under Section 125 of the Constitution.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:			
Browder	Fletcher	Kuykendall	Mooneyham
Carlton	Glover	Locke	McDowell
Cook	Kelly	Mixon	Parrish

Riddle	Simpson	Taylor	Walton
Rogers (Mobile)	Starnes	Thomas	Wellborn
Russell	Stephens	Tucker	Woodall
St. John	Swift		

—26

Nays:—None.

The bill:

H. 932. To authorize the Circuit Courts in counties having a population of 300,000 or more according to the last or any future Federal Census, to make such orders and rules concerning proceedings in causes of like nature or relative to the same question as may be conformable to the usages of Courts for avoiding unnecessary costs or delay in the administration of justice, and to authorize said courts to consolidate said causes when it appears reasonable to do so.

Was read a third time at length and passed.

Yeas, 26; Nay, 1.

Yeas:

Messrs:			
Browder	Kuykendall	Russell	Taylor
Chesnut	Locke	St. John	Thomas
Cook	Mooneyham	Simpson	Tucker
Fletcher	McDowell	Starnes	Walden
Frazer	Parrish	Stephens	Wellborn
Glover	Riddle	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nay:—Mr. Walton.

—1

The bill:

H. 934. To provide for and regulate the mode of selecting and impanelling juries in all criminal and quasi criminal cases in circuit courts in counties having a population of 300,000 or more according to the last or any future Federal census.

Was read a third time at length and passed.

Yeas, 26; Nay, 1.

Yeas:

Messrs:			
Browder	Kuykendall	Russell	Taylor
Chesnut	Locke	St. John	Thomas
Cook	Mooneyham	Simpson	Tucker
Fletcher	McDowell	Starnes	Walden
Frazer	Parrish	Stephens	Wellborn
Glover	Riddle	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nay:—Mr. Walton.

—1

The bill:

H. 1056. To provide that in all Counties in the State of Alabama having a population of 110,000 and not more than 300,000 ac-

cording to the last or any subsequent Federal Census that it shall be unlawful to buy, sell or otherwise transfer cattle without a bill of sale, describing said cattle, and the mark or brand of same set out therein and signed by the person selling or transferring same, and to provide for the penalty for violation of this act.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Browder	Locke	Russell	Taylor
Carlton	Mixon	St. John	Thomas
Cook	Mooneyham	Simpson	Tucker
Fletcher	McDowell	Starnes	Walden
Glover	Parrish	Stephens	Wellborn
Kelly	Riddle	Swift	Woodall
Kuykendall	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 1017. To provide for the payment of publication of notice of intention to introduce a local bill in the legislature.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Browder	Locke	Russell	Taylor
Carlton	Mixon	St. John	Thomas
Cook	Mooneyham	Simpson	Tucker
Fletcher	McDowell	Starnes	Walden
Glover	Parrish	Stephens	Wellborn
Kelly	Riddle	Swift	Woodall
Kuykendall	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 958. TO PROVIDE FOR AND ESTABLISH in each and all counties of this State which now have a population of Two Hundred Thousand People, or more, according to the last Federal census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a court to be designated the Juvenile and Domestic Relations Court; to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper, or convenient for the exercise thereof; to regulate same; to provide for a Judge of such courts, his term of office, and compensation; to provide for a Solicitor and for his compensation; and for such ther officers and employees as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to pro-

vide for officials of said court, their term of office and duties; to provide for and regulate the procedure of such courts, to authorize the Judge of said courts to determine the form of the records, and adopt rules of procedure therein, where not otherwise provided for in this Act; to provide for appeals from said courts and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the Circuit Courts, and other courts in such counties; to provide for any section, paragraph, or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Browder	Mixon	St. John	Thomas
Chesnut	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Fletcher	Parrish	Stephens	Walton
Frazer	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Locke	Russell		

—26

Nays:—None.

The bill:

H. 960. To amend Sections 20 and 23 of an Act approved September 6th, 1927, entitled: "An Act, Relating to dependent, neglected or delinquent children in all counties of Alabama which have a population of as many as Two Hundred Thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter, and which counties now have, or which counties shall hereafter have a Juvenile and Domestic Relations Court; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the Juvenile and Domestic Relations Courts of such counties; to provide for their protection, guardianship, custody, care, supervision, discipline, and generally for their welfare; to confer upon such Juvenile and Domestic Relations Court in such counties original and exclusive jurisdiction and authority to adjudicate and enforce all questions and matters arising under or provided for by the terms of this Act, and to confer upon such courts full power and authority to try and determine all such questions; or which may be otherwise referred to them by law; for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this Act; to confer upon such courts authority to make rules and regulations, and to devise and have printed, such records and

forms, where not otherwise provided for under the terms of this Act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the Detention Home or Parental School, or for the conduct of probation officers, or their work as provided for in this Act; to create and provide for Advisory Boards to such courts, and to define their duties; to make it a misdemeanor by act, or omission or otherwise to aid, abet, cause, connive at or contribute to the dependency, neglect, or delinquency of such children, in such counties, or to conceal or otherwise interfere with the custody of such children, or to interfere with or obstruct probation officers in the discharge of their duties, and in certain contingencies for injunction in such cases, and to provide for the trial and punishment of such offenders; to provide for investigations by probation officers, and the effect of their reports as evidence; to provide for the taking and enforcement of recognizances when same are made by a minor with adults as sureties; to provide that all proceedings under the terms of this Act in dealing with the children described herein shall be in equity, and civil in their nature, and to regulate same; to provide for the trial of any delinquent child as defined by this Act, in a criminal court of competent jurisdiction, when the court after investigation or trial is convinced that such child cannot be made to lead a correct life under the discipline provided for such delinquent under the terms of this Act; to provide that under certain contingencies male children between sixteen and eighteen years of age shall be dealt with as delinquents; to provide for the establishment and maintenance of a Detention Home or Parental School and for the appointment and compensation of probation officers, and for other expenses incident to the purposes of this Act; to provide for the appointment of Referees, and to define their powers and duties; to declare when this Act shall take effect, that should any part of this Act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws inconsistent or in conflict with this Act:

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Browder	Mixon	St. John	Thomas
Chesnut	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Fletcher	Parrish	Stephens	Walton
Frazer	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Locke	Russell		

Nays:—None.

The bill :

H. 409. To regulate the business and trade of plumbing in all counties of this State having a population of 80,000 or more according to the last or any subsequent Federal Census, to create a board to be known as the board of plumbers examination and registration of Alabama; to provide for the appointment of the members of said Board of Plumbers Examination and Registration of Alabama, and to provide for the appointment of successors of the members thereof and for the organization of said board and for the remuneration of the members and officers thereof; to specify the powers and duties of said Board of Plumbers Examination and Registration and provide the ways and means of collecting funds for its maintenance and functioning; to define the terms "Plumbings" "Master Plumber" and "Journeyman Plumbers" for the purposes of this Act; provide for the examination, registration and licensing of master plumbers and journeyman plumbers engaged, engaging or desiring to engage in the business or handicraft of plumbing within such counties and fix the fees to be assessed of applicants for examination, registration and licensing of such master plumbers or journeyman plumbers and for the renewals of such registration and licenses; to authorize and empower said Board of Plumbers Examination and Registration of Alabama to conduct investigation and hearings of and concerning violations of this Act and to grant unto said Board of Plumbers Registration and Examination the power and authority to revoke after hearing, any licenses issued by said board on account of any violations or violation of any provision or provisions of this Act by any master plumber or journeyman plumber who may violate any of the provisions of this Act and to provide further penalties for any violation or violations of the provisions of this Act, and to provide for appeal to the various circuit courts of Alabama by any aggrieved person from any order, ruling, decree or revocation of such license by said Board of Plumbers Examination and Registration of Alabama and to provide for a seal and its use by said board; and also to repeal all laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Browder	Locke	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Cook	McDowell	Starnes	Walden
Fletcher	Parrish	Stephens	Walton
Frazier	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Kuykendall	Russell		

Nays:—None.

The bill:

H. 1072. To repeal an Act entitled "An Act to amend an act entitled: 'An Act abolishing the Court of County Commissions of Marshall County, creating a Board of Revenue of Marshall County, providing for the selection, nomination and election of the members of the said board; their compensation and manner of payment; fixing their powers and duties; the term of their office and providing that this Act shall go into effect upon its approval, approved August 27, 1927,'" approved January 16, 1931.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner	Locke	St. John	Thomas
Browder	Mixon	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walden
Dorsey	McDowell	Stephens	Walton
Frazer	Parrish	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 1073. To establish a Board of Revenue for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; To fix the number of the members thereof, and fix the districts of said Board; to relieve the Judge of Probate of his duties as Chairman of the Board of Revenue; to provide for the appointment and election of the members of said board, to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a Chairman thereof; and fix his duties, powers, compensation and term of office; to provide for the selection and appointment of a bookkeeper-clerk for said board and to fix his term of office, powers, duties and compensation, and to provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner	Dorsey	Kuykendall	Mooneyham
Browder	Frazer	Locke	McDowell
Chesnut	Kelly	Mixon	Parrish

Rogers (Mobile)
Russell
St. John
Simpson

Starnes
Stephens
Swift
Taylor

Thomas
Tucker
Walden

Walton
Wellborn
Woodall

—26

Nays:—None.

SPECIAL ORDER

The Senate proceeded to consider the Special Order on today's calendar which was the bill:

H. 769. To authorize, provide for and regulate a non-profit corporation for the establishment, maintenance and operation of a plan for hospitalization of citizens of Alabama in hospitals approved by the Alabama Hospital Association and the State Board of Censors of the Alabama Medical Association.

As amended on the last Legislative Day.

Mr. Parrish moved that the vote by which said bill was ordered to an engrossment and third reading be re-considered, which motion prevailed and said vote was re-considered.

Mr. Parrish then offered the following amendment to said bill to-wit:

Amend Section 6 of House Bill 769 by adding thereto the following words: "But in all instances where the patients who hold policies issued by the Alabama Hospital Association, and who do not care to go to the hospital designated in said policy, that said association shall pay to any physician designated by the holder of said policy an amount equal to the daily or monthly room rate charge in said hospital."

Mr. Simpson moved to lay said amendment on the table, which motion was lost.

And the amendment offered by Mr. Parrish was then adopted.

Yeas, 19; Nays, 11.

Yeas:

Messrs:

Carlton
Chesnut
Cook
Dorsey
Fletcher

Frazer
Glover
Kuykendall
Locke
Mixon

Mooneyham
McDowell
Parrish
Rogers (Mobile)
Russell

St. John
Starnes
Taylor
Thomas

—19

Nays:

Messrs:

Bonner
Goldsmith
Kelly

Simpson
Stephens
Swift

Tucker
Walden
Walton

Wellborn
Woodall

—11

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 19; Nays, 10.

*Yeas:**Messrs:*

Bonner	Kelly	Simpson	Walden
Carlton	McDowell	Stephens	Walton
Chesnut	Rogers (Mobile)	Swift	Wellborn
Cook	Russell	Thomas	Woodall
Glover	St. John	Tucker	

—19

*Nays:**Messrs:*

Dorsey	Kuykendall	Mooneyham	Starnes
Fletcher	Locke	Parrish	Taylor
Frazer	Mixon		

—10

The bill:

H. 217. Ao amend Article 2, Section 6270 of the general acts of Alabama for 1927 by adding subdivision fifty-one, and making it read as follows: Article 2, Section 6270 (51) That each and every motor vehicle operated upon the city streets and public highways of Alabama shall keep attached and plainly visible at all times, a license tag as prescribed and furnished by the State Tax Commission, on the front and on the rear of each motor vehicle operated in Alabama; and to provide punishment for failure to comply with this subdivision of this section.

Was taken up.

Mr. Rogers of Mobile offered the following substitute for said bill to-wit:

Substitute for House Bill 217:

A BILL

To be entitled An Act to require each and every motor vehicle operated upon the city streets and public highways of Alabama to have and keep attached and plainly visible at all times on both ends of the motor vehicle a license tag as prescribed and furnished by the State Tax Commission and to prescribe the punishment for violation of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That each and every motor vehicle operator who or which after November 15, 1936, operates a motor vehicle upon any city street or other public highway of or in this State shall at all times keep attached and plainly visible on both the front and rear end of such motor vehicle a license tag or license plate as prescribed and furnished by the State Tax Commission at the time the owner or operator purchases his license.

Section 2. Anyone violating the provisions of Section 1 hereof shall be guilty of a misdemeanor and shall, upon conviction, be punished by fine not exceeding Five Hundred Dollars (\$500.00), and in addition thereto shall be prohibited from driving a motor

vehicle in Alabama for a period of not less than sixty days nor more than six months.

Section 3. The State Tax Commission shall provide license plates in duplicate for every owner or operator of a motor vehicle at the time he pays his license.

Section 4. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 5. This Act shall become effective on November 15, 1936.

Mr. Swift moved that said bill and the pending substitute be indefinitely postponed, which motion was lost.

Yeas, 11; Nays, 17.

Yeas:

Messrs:

Bonner
Fletcher
Glover

Kelly
Kuykendall
Mixon

Riddle
Simpson
Starnes

Swift
Taylor

—11

Nays:

Messrs:

Carlton
Chesnut
Cook
Dorsey
Frazer

Locke
Mooneyham
McDowell
Rogers (Mobile)

Russell
St. John
Stephens
Thomas

Tucker
Walden
Walton
Woodall

—17

Mr. Swift then offered the following substitute for the substitute offered by Mr. Rogers of Mobile to-wit:

A BILL

To be entitled An Act to provide that the owner of each and every motor vehicle operated upon the city streets and public highways of Alabama may have a duplicate tag for use on the front of his motor vehicle by applying for same in writing to the State Tax Commission; such tags for front of motor vehicle to be marked FRONT and be of a distinguishing color; and requiring the State Tax Commission to furnish such FRONT tags, for a sum of One dollar (\$1.00) to bona fide applicants.

Be it enacted by the Legislature of Alabama:

The owner of each and every motor vehicle operated upon the city streets and the public highways of Alabama, may have a duplicate tag for use on the front of his motor vehicle, by applying in writing for same to the State Tax Commission, said application to be accompanied by a fee of \$1.00, such front tags shall be plainly marked FRONT and shall be a color to distinguish them from the regular issue of tags for use on rear of motor vehicles. The State Tax Commission is hereby directed to furnish such FRONT tags on receipt of \$1.00 from bona fide applicants.

On motion of Mr. Mooneyham, the substitute offered by Mr. Swift was laid on the table.

Yeas, 22; Nays, 7.

Yeas:

Messrs:

Carlton	Goldsmith	Rogers (Mobile)	Stephens
Chesnut	Kelly	Russell	Thomas
Cook	Locke	St. John	Tucker
Dorsey	Mooneyham	Simpson	Walden
Frazer	McDowell	Starnes	Woodall
Glover	Riddle		

—22

Nays:

Messrs:

Bonner	Mixon	Taylor	Wellborn
Fletcher	Swift	Walton	

—7

Mr. Walton then offered the following amendment to the substitute offered by Mr. Rogers of Mobile, to-wit:

Amend substitute for H. B. 217 by adding at the end of Section 3, after the word "license", the following: "provided that on one of the tags so furnished shall be marked or indented the word "front."

Which was adopted.

And the substitute offered by Mr. Rogers of Mobile, as thus amended, was then adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs:

Carlton	Kelly	Rogers (Mobile)	Taylor
Chesnut	Kuykendall	Russell	Thomas
Cook	Locke	St. John	Tucker
Dorsey	Mixon	Simpson	Walden
Fletcher	Mooneyham	Starnes	Walton
Frazer	McDowell	Stephens	Wellborn
Glover	Parrish	Swift	Woodall
Goldsmith			

—29

Nays:—None.

Mr. Rogers of Mobile then offered the following amendment to said bill as amended.

Amend H. B. 217 as amended by inserting therein section 3½ to read as follows:

"Section 3½. Neither the State Tax Commission nor Judges of Probate shall make any additional charge nor demand any additional fee for the issuance of such front and rear license plates, over and above the present license fee authorized for the issuance of a single license; and only one record shall be made."

Which was adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs:

Carlton	Kelly	Rogers (Mobile)	Taylor
Chesnut	Kuykendall	Russell	Thomas
Cook	Locke	St. John	Tucker
Dorsey	Mixon	Simpson	Walden
Fletcher	Mooneyham	Starnes	Walton
Frazer	McDowell	Stephens	Wellborn
Glover	Parrish	Swift	Woodall
Goldsmith			

—29

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; Nays, 7.

Yeas:

Messrs:

Carlton	Glover	Rogers (Mobile)	Tucker
Chesnut	Goldsmith	Russell	Walden
Dorsey	Kelly	St. John	Walton
Fletcher	Locke	Stephens	Wellborn
Frazer	Mooneyham	Thomas	Woodall

—20

Nays:

Messrs:

Bonner	Mixon	Starnes	Taylor
Kuykendall	Simpson	Swift	

—7

The bill:

H. 911. To provide for a public corporation for the purpose of constructing or causing to be constructed public roads and bridges in this State; to prescribe its powers and duties and to provide for the raising of necessary funds for such purpose and to provide for the payment of the cost of construction of such roads and bridges and to borrow money and match Federal funds for public work construction and to issue bonds, warrants, assignments, transfers or securities and to contract with the State Highway Commission of Alabama, the Public Works Administration and any other branch of Federal Government or other authorities necessary to carry out the purposes of this Act.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Bonner	Fletcher	Locke	Parrish
Carlton	Glover	Mixon	Russell
Chesnut	Kelly	Mooneyham	Simpson
Dorsey	Kuykendall	McDowell	Stephens

Swift
Taylor

Thomas
Tucker

Walden
Walton

Woodall

—23

Nays:—None.

RESOLUTION

Mr. Simpson offered the following Joint Resolution:

S. J. R. 126. BE IT RESOLVED BY THE SENATE, the House concurring that, Whereas, House Bill No. 408 submits an amendment to the Constitution and provides for the calling of an election at which the same shall be submitted to the qualified electors of the State, and the Governor has called to the attention of the Legislature that House Bill No. 408 proposing an amendment to the Constitution, by clerical oversight, fails to assign a number to said amendment in the blank space therein set out, and

Whereas, House Bills Nos. 499 and 963 proposing amendments to the Constitution, fail to set out in the captions thereof specific dates for the elections on said proposals, and

Whereas, House Bill No. 814 fixes as the date for the election therein provided a date different from dates named in other bills referred to, and

Whereas, the Governor suggests in his message that House Bill No. 967 be amended so as to fix a definite date for holding the election, and that House Bill No. 408 be amended, and

Whereas, the suggestions of the Governor should be concurred in, and such of said bills as are incomplete, insufficient or have clerical errors or omissions be corrected by amendments thereto,

Now, Therefore, for the purpose of concurring in such suggestions and making such suggested amendments

Be It Resolved that the Governor is hereby requested to return said House Bills numbered 967 and 408 to the House, the body in which they originated for further consideration and amendment by the Legislature and that House Bills Nos. 499, 814 and 963 be also recalled for further consideration and amendment by the Legislature.

And on motion of Mr. Simpson, the Rules were suspended and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 153. To repeal an act to amend Section 7 of an Act entitled an Act "To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative en-

actment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Rogers of Mobile, the Senate concurred in the following amendment by the House to S. 153, the title of which is set out in the foregoing message from the House to-wit:

Committee substitute for S. 153:

A BILL

To be entitled An Act to amend An Act Entitled An Act, approved April 17th, 1933, and found on pages 139, 140, and 141 of the General Acts of Alabama, Special Session of 1933, "To Amend Section 7 of An Act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911.

Be it enacted by the Legislature of Alabama:

Section 1. That An Act Entitled An Act, approved April 17th, 1933, and found on pages 139, 140, 141 of the General Acts of Alabama, Special Session of 1933 to amend Section 7 of An Act "To

provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government" approved April 8th, 1911, be amended so as to read as follows:

Section 7. That every city adopting the form of government provided for by this Act shall be governed and managed by the board of commissioners provided for herein. Each and every officer and employee of said city other than the commissioners and the city recorder shall be selected and employed by the said board, or under its direction, and all salaries and wages paid by said city, except as otherwise provided by the terms of this Act shall be fixed by said board. The commissioners shall prescribe, and may at any time change, the powers, duties and titles of all subordinate officers and employees of said city except the city recorder, and all except the city recorder shall hold office and be removable at the pleasure of the board of commissioners. The city recorder shall be elected at an election held on the First Monday in September, 1939, and on the same date each four years thereafter, and shall hold office for a term of four years beginning on the 1st day of October, 1939, and until his successor shall be elected and qualified, such election to be held in the same manner as elections are held for the purpose of electing members of the board of commissioners as provided by law. The city recorder shall be a person learned in the law, provided, however, such recorder shall not be prohibited from practicing his or her profession when not in conflict with the duties of recorder. The recorder elected hereunder shall have the powers and duties now or hereafter provided by law. The salary of the recorder shall be One Thousand Nine Hundred and Twenty Dollars (\$1,920.00) per year payable out of the City Treasury as other salaries are paid. In case of vacancy in the office of recorder by death or otherwise such vacancy shall be filled by appointment by the board of commissioners, and such appointee shall hold office for the remainder of the term and until his successor shall be elected and qualified. Provided, however, that all salaried officials, except

members of the boards and commissions above mentioned, and the recorder who are holding office at the time of the adoption of such form of government under an election, appointment, or other selection for a definite term, shall be permitted to serve out such term in the position and with the duties and compensation, and subject to the conditions, restrictions, and regulations, which would have existed had there been no change in the government of such city. The executive and administrative powers and duties in such cities shall be distributed into and among such departments, as may be determined by a majority of said commissioners, and the powers and duties pertaining to each department shall be fixed by the said board of commissioners and altered from time to time as they may deem best, and one of the members of said board shall be assigned to take charge of each such department, and as head of such department, shall exercise the duties and powers so provided by said board, and said assignments may be changed at any time by a majority of said board.

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Browder

Chesnut

Cook

Fletcher

Frazer

Kelly

Kuykendall

Locke

Mooneyham

McDowell

Parrish

Riddle

Rogers (Mobile)

Russell

St. John

Simpson

Starnes

Stephens

Swift

Taylor

Thomas

Tucker

Walden

Walton

Wellborn

Woodall

—26

• *Nays:*—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended, has passed the following Senate bill:

S. 407. Relating to and regulating the manufacture, sale, possession, control, prescribing, administering, dispensing, compounding, mixing, cultivation and growth of narcotic drugs.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fletcher, the Senate concurred in the following amendment by the House to S. 407, the title of which is set out in the foregoing message from the House to-wit:

Amend Section 15 of Senate Bill 407 by adding thereto after the last word thereof the following:

Provided further that this section shall not apply wherever any Board is already, under existing statutes, vested with authority to suspend or revoke license because of violation of any Federal law regulating the use or disposition of narcotics.

Amend Section 17 (b) of Senate Bill 407 by striking from lines thirteen (13) and fourteen (14) thereof the words "the State of Alabama or."

Amend Section 20 of Senate Bill 407 by substituting therefor the following:

Section 20. It is hereby made the duty of the State Board of Health, its agents, inspectors, officers and representatives, and all peace officers of the State, and all prosecuting attorneys, to enforce all provisions of this act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, this State, and all other States relating to narcotic drugs.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner
Carlton
Chesnut
Cook
Dorsey
Fletcher
Glover

Kelly
Kuykendall
Locke
Mixon
Mooneyham
McDowell
Parrish

Russell
St. John
Simpson
Starnes
Stephens
Swift

Taylor
Tucker
Walden
Walton
Wellborn
Woodall

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 406. To provide authority for the State Board of Education and/or the trustees of all State Institutions, where education is a part of the program of the Institution, to borrow money from Federal Agencies for the erection of buildings, beautification of grounds, and the erection and maintenance of swimming pools at the several State Institutions; to authorize the issuance of bonds, warrants or other evidences of debt for the repayment of the amount borrowed with interest at a rate not to exceed four per cent semi-annually, and to pledge therefor the fees from students to be levied by the Institution for which the money is borrowed, and any other moneys not appropriated by the State to said Institution; to make such bonds, warrants or other evidences of debt not an

obligation of the State and not payable out of any moneys provided by the State.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, the Senate concurred in the following amendment by the House to S. 406, the title of which is set out in the foregoing message from the house to-wit:

Amend Senate Bill No. 406 by adding at the end of Section 1, a comma instead of a period and—

And to comply with the requirements of such Federal Agencies promulgated in reference to monies so loaned.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Bonner	Kelly	Rogers (Mobile)	Taylor
Carlton	Kuykendall	Russell	Thomas
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Wellborn
Fletcher	McDowell	Stephens	Woodall
Glover	Parrish	Swift	

—27

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House bills:

By Mr. Taylor:

H. 881. To promote the efficiency of the paid Fire Department of the City of Mobile, to provide a two platoon system in said City for said fire department, and to define the conditions under which the same shall be operated; to provide power and authority for the City Commissioners in case of serious conflagration, riot or other emergency, to provide for the granting of vacations with pay to said members of said Fire Department; to provide for the manner and notice of hearing charges preferred against members in said Fire Department of the City of Mobile; to provide for full power in the said City Commission to make rules and regulations not in conflict with this act; and to provide for the repeal of any law, or laws, or parts thereof, or of any City Ordinance or Fire Department rules or regulations or parts thereof which are contrary to the provisions of this Act.

Also:

By Mr. Taylor:

H. 583. To amend section 8 of an Act entitled "An Act creating and Establishing Juvenile Courts in all Counties of the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said Courts; for the equipment of said courts, for the Judge and officers of the courts; Their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said courts, and for the protection of said children against disqualification or prejudice in other courts in the civil service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws, "approved September 9, 1927, as amended by an Act approved April 21, 1931, so as among other things to amend the title and section I thereof, and as further amended by an Act approved April 17th, 1933.

Also:

By Mr. Steele:

H. 948. To amend Section 2 of an Act of the Legislature of Alabama approved October 28th, 1932, entitled an Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1932; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from ruling with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act, and to exempt motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school, or while being used for any school purpose or any public or community purpose at the direction of or by authority of the Superintendent of Education having supervision over the school or schools regularly served by such motor vehicles, from any license tax or registration fee as a contract carrier or common carrier or jitney bus.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. McDermott:

H. 889. To amend Section 28 of An Act, Entitled "An Act to create a pilotage Commission to be known as the State Pilotage Commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act and to repeal all laws in conflict therewith," approved March 4, 1931.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I herewith return to you, the body in which it originated, House Bill No. 889 without my approval.

In my opinion the bill fails to accomplish the purposes for which it is enacted.

I suggest the following executive amendment, which if adopted will cure the defects in the bill:

Amend the bill so that Section 28 shall read as follows:

"Section 28. Any person piloting or conducting a foreign vessel, or an American vessel under register, or any other vessel subject to the payment of pilotage fees under the provisions of this act in or out of the Bay of Mobile or over the outer bar thereof, as a pilot, without a State license or after having forfeited his license or been deprived thereof is guilty of a misdemeanor and is entitled to no fee or reward for such service and upon conviction thereof shall be fined not less than \$50.00 nor more than \$500.00 for each offense and shall be sentenced to hard labor for the county for a period of not less than thirty days nor more than sixty days".

Respectfully,
(Signed) BIBB GRAVES,
Governor.

September 13, 1935.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill H. 889, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 69; Nays, 0.

And said bill, H. 889, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 69; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Rogers of Mobile, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 889, the title of which and said proposed amendment, is set out in the foregoing message from the House.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Bonner	Glover	Parrish	Swift
Carlton	Kelly	Rogers (Mobile)	Taylor
Chesnut	Kuykendall	Russell	Tucker
Cook	Locke	St. John	Walden
Dorsey	Mixon	Simpson	Walton
Fletcher	Mooneyham	Starnes	Woodall
Frazier	McDowell	Stephens	

—27

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Cook	Mooneyham	Simpson	Walton
Dorsey	McDowell	Starnes	Wellborn
Frazier	Parrish	Taylor	Woodall
Glover			

—25

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the Senate Amendment to the following bill:

By Mr. Byars:

H. 706. To amend Section 5076 of the 1923 Code of Alabama. Said Report being in words and figures as follows, to-wit:

To the House of Representatives and the Senate of Alabama:

We, the undersigned Conferees appointed to consider the disagreement between the two houses on House Bill No. 706 beg leave to report as follows:

We recommend:

1. That the House adopt the Senate amendment to said bill;

2. That said bill be amended by adding to Section 2 thereof the following: "provided that this act shall become effective April 1, 1936."

J. D. L. BYARS,
W. S. WELCH,
R. A. REID,
Conferees on the part of the
House of Representatives.

W. C. WOODALL,
ISHAM J. DORSEY,
J. M. BONNER,
Conferees on the part of the
Senate of Alabama.

And said bill as amended by the Report of the Committee of Conference was again read a third time at length and passed.

And said bill, together with the Report of the Committee of Conference, is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Woodall, the Senate concurred in and adopted the report of Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 706, the title of which and said conference report is set out in the foregoing message from the House.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Bonner	Glover	Russell	Thomas
Browder	Kelly	St. John	Tucker
Chesnut	Kuykendall	Starnes	Walden
Cook	Mooneyham	Stephens	Walton
Dorsey	McDowell	Swift	Wellborn
Fletcher	Rogers (Mobile)	Taylor	Woodall
Frazer			

—25

Nays:—None.

And said bill, as thus amended by the Report of the Conference Committee was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner	Kelly	St. John	Thomas
Browder	Kuykendall	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Dorsey	Mooneyham	Stephens	Walton
Fletcher	McDowell	Swift	Wellborn
Frazer	Parrish	Taylor	Woodall
Glover	Russell		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate Amendment to the following House Bill:

By Mr. Lusk:

H. 769. To authorize, provide for and regulate a non-profit corporation for the establishment, maintenance and operation of a plan for hospitalization of citizens of Alabama in hospitals approved by the Alabama Hospital Association and The State Board of Censors of the Alabama Medical Association.

And requests a Committee of Conference. The Speaker of the House has appointed as conferees on the part of the House Messrs. Lusk, Street and Hill.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 769, the title of which is set out in the foregoing Message from the House, and the President of the Senate appointed as Committee on part of the Senate Messrs. Simpson, Parrish and Cook.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Bonner	Frazer	Rogers (Mobile)	Taylor
Browder	Glover	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Wellborn
Fletcher	Parrish	Swift	Woodall

—28

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 422. To Amend Section 1 of an Act entitled, "An Act to amend Sections 989, 992, 995, 1005, and 1007 of the Code of Alabama of 1923", approved February 5, 1935.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, the Senate concurred in the following amendment by the House S. 422, the title of which is set out in the foregoing message from the House to-wit:

Amend Senate Bill No. 422 by striking from 989. Duties of Commission, in Section 1 of said bill the following words:

"The Commission shall select from unused lands owned absolutely by the State, including real estate sold for taxes and purchased by the State and which shall have been in the title of the State for a period exceeding the period allowed for redemption when purchased by any purchaser other than the State, tracts, parcels or areas which it shall have determined to be suitable for State Forests or State Parks and, upon the aproval of the Governor, such tracts, parcels or areas shall thereafter be devoted permanently to the purposes of State Forests or State Parks and shall not be sold or alienated from the title of the State or otherwise disposed of by the State except upon the recommendation of the Commission or as otherwise provided in this Section, and any State agency having had authority for the sale or other disposition of such tracts, parcels or areas prior to their selection as State Forests or State Parks shall enter upon its records, upon notice from the Commission, appropriate notations or entries as though the said tracts, parcels or areas had been sold and to the effect that they are no longer available for alienation from State title through said agency."

Further amend said bill by striking from Section 989.—DUTIES OF COMMISSION, in Section 1 of said bill the following words:

"The Commission of Forestry shall have custody, management and administration over all lands sold to the State for unpaid taxes, except as to the enforcement of Sections 3096 to 3098, inclusive, Sections 3100 to 3108, inclusive, and Section 3128 to 3133 inclusive of the Code of Alabama of 1923, the enforcement of which sections is hereby placed with the State Tax Commission."

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Bonner	Frazer	Rogers (Mobile)	Taylor
Browder	Glover	Russell	Thomas
Carlton	Kelly	St. John	Walden
Chesnut	Kuykendall	Simpson	Walton
Cook	Mooneyham	Starnes	Wellborn
Dorsey	McDowell	Stephens	Woodall
Fletcher	Parrish	Swift	

—27

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following Resolution:

By Mr. Staples:

H. J. R. 450. BE IT RESOLVED BY THE HOUSE, the Senate concurring, that the Governor is requested to return to the House H. B. 331 for correction.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 450, set out in the foregoing message from the House, was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Mr. Simpson:

S. J. R. 126. Relative to recalling House Bills 967, 408, 499, 814 and 963 for further consideration and amendment by the Legislature.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

Mr. Rogers of Mobile offered the following Joint Resolution:

S. J. R. 127. BE IT RESOLVED BY THE SENATE, the House concurring, that the House be requested to return to the Senate House Bill No. 331 for further action by the Senate.

And on motion of Mr. Rogers of Mobile, the Rules were suspended and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following House Joint Resolutions:

By Mr. Hendley:

H. J. R. 453. Resolved by the House of Representatives the Senate concurring that Senate Bill No. 77 be known as the Walton-Wallace bill.

Also:

By Mr. Coleman:

H. J. R. 454. Be It Resolved by the House of Representatives, the Senate concurring that Senate bill No. 406 be known as the Walton-Johnston Bill.

Also:

By Mr. Hollis:

H. J. R. 455. Be it Resolved by the House of Representatives, the Senate concurring that S. No. 429 be known and designated as the Kuykendall-Hollis Bill.

Also:

By Mr. Carter:

H. J. R. 456. Be it Resolved by the House of Representatives, the Senate concurring that Senate Bill No. 398 be known as the Hendley-Swift Bill.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

Under a suspension of the Rules, H. J. R.'s 453, 454, 455 and 456, the title of each of which is set out in the foregoing Message from the House, were concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. Dominick:

H. 871. To create a Board to be known as the "State Board of Adjustment"; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama.

Gentlemen:

I am returning herewith to you, the body in which it originated, House Bill No. 871 without my approval.

I suggest the following executive amendment, which if adopted will meet my objection to the bill:

Add at the bottom of Section 2 of said bill the following words:

"Provided that nothing contained in this Act shall confer upon the State Board of Adjustment any jurisdiction now conferred by law upon the State Board of Compromise, and nothing herein contained shall be construed to confer jurisdiction upon the State Board of Adjustment to settle or

adjust any matter or claim of which the courts of the State have jurisdiction".

Respectfully,
(Signed) BIBB GRAVES,
Governor.

September 13, 1935.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill H. 871, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 83; Nays, 0.

And said bill, H. 871, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 83; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Tucker, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 871, the title of which and said proposed amendment, is set out in the foregoing Message from the House.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Bonner	Glover	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Wellborn
Frazer	Parrish	Swift	Woodall

—28

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended, by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner	Carlton	Dorsey	Frazer
Browder	Cook	Fletcher	Glover

Kelly	Rogers (Mobile)	Stephens	Walden
Kuykendall	Russell	Taylor	Walton
Mooneyham	St. John	Thomas	Wellborn
McDowell	Simpson	Tucker	Woodall
Parrish	Starnes		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint Resolution:

By Mr. Taylor:

H. J. R. 460. Be it Resolved by the House, the Senate concurring, that the Speaker of the House and President of the Senate be requested to erase their signatures from the bill, H. 331.

And the Speaker of the House has erased his signature from said bill, H. 331.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Rogers of Mobile, the Senate concurred in and adopted H. J. R. 460, set out in the foregoing Message from the House, and the President of the Senate, in the presence of the Senate, erased his signature from said bill, H. 331.

BILLS ON THIRD READING RESUMED

The bill:

H. 708. To amend Section 1938 of the Code of Alabama of 1923.

Was taken up.

Mr. Woodall offered the following substitute for said bill to-wit:

Substitute for H. 708:

A BILL

To be entitled An Act to amend Section 1938 of the Code of Alabama of 1923:

Be it enacted by the Legislature of Alabama:

Section 1. That Section 1938 of the Code of Alabama of 1923 be, and the same is hereby, amended so as to read as follows: 1938. (1218) JUDGMENTS ON APPEALS FROM RECORD-

ER'S COURT: PROCEEDINGS THEREON—If such defendant fails to appear in the court to which an appeal was taken, when the case is called for trial, unless good cause is shown to the court for his absence or default, the court shall enter up a judgment of forfeiture on said appeal bond against the defendant and his sureties as is authorized or provided by law in criminal cases, and a new warrant of arrest may issue from the court without any other authority therefor, and the court may also, on motion of the solicitor or his assistant where the prosecution is in the name of the state, or on motion of the attorney prosecuting for the city or town where the prosecution is in the name of the city or town or in the absence of such motion *ex mero motu*, dismiss such appeal. Upon the dismissal of such appeal, and by the fact of such dismissal of such appeal, the judgment of the recorder's court against the defendant shall be reinstated and become final and the clerk of such court to which such case was appealed, must, in writing, notify the mayor or other chief executive or the recorder of said city or town of the judgment of the court dismissing such appeal. When such appeal has been dismissed, the court may at any time issue a warrant, and alias and pluries warrants, against the defendant, and the defendant may also be arrested without a warrant as an escape, and when so arrested, the defendant shall be delivered to the chief of police or marshal or any policeman of said city or town and punished in accordance with the original judgment of the recorder's court; and in case the defendant appears on such appeal, and judgment is rendered against him, unless the fine and costs are presently paid, or a judgment confessed therefor in favor of the city or town by the defendant, with sureties in the same manner as provided for in convictions for violating the state laws, the said court to which said appeal was taken must remand the defendant to the city or town authorities for punishment, and the clerk of such court must in writing notify the mayor or other chief executive or the chief of police of said city or town of the judgment of the court trying such case, and said notice shall accompany the defendant when he is delivered to the city or town authorities for punishment; but, if the judgment of such court is paid, the clerk of said court may receive such fine and costs and the defendant may be discharged, and such clerk must, under a penalty of five per centum per month thereon for a failure to do so, pay said money to the treasurer of the city or town, or to the officer corresponding to the treasurer thereof within thirty days after he receives it. His bondsmen shall also be liable for said penalty, and the amount thereof with the money collected may be recovered on motion after three days' notice.

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Bonner	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Wellborn
Glover	Parrish	Taylor	Woodall
Kuykendall	Russell	Thomas	

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs:

Bonner	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Walden
Cook	Mooneyham	Starnes	Walton
Glover	McDowell	Stephens	Wellborn
Kelly	Parrish	Taylor	Woodall
Kuykendall			

—21

Nays:—None.

RECESS

At 1:30 P. M., on motion of Mr. Dorsey, the Senate took a recess until 2:45 this afternoon.

FORTY-NINTH DAY—AFTERNOON SESSION

Friday, September 13th, 1935.

The Senate re-assembled at 2:45 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs:

Bonner	Glover	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	McDowell	Swift	Woodall
Frazer	Parrish		

—30

BILLS INDEFINITELY POSTPONED

On motion of Mr. Bonner, the Senate indefinitely postponed further consideration of the bill:

H. 836. To amend Section 291 of an act entitled "An act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

On motion of Mr. McDowell, the Senate indefinitely postponed further consideration of the bill:

H. 566. To regulate political parties in Alabama.

BILLS ON THIRD READING

The bill:

H. 709. To amend Section 1950 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs:

Bonner

Carlton

Chesnut

Dorsey

Fletcher

Glover

Kuykendall

Locke

Mixon

Mooneyham

Parrish

Russell

Simpson

Stephens

Taylor

Thomas

Tucker

Walden

—18

Nays:—None.

The bill:

H. 471. To amend section 1943 of the Code of Alabama of 1923 relating to appeals by defendants in City cases.

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

Yeas:

Messrs:

Bonner

Browder

Carlton

Chesnut

Fletcher

Glover

Kuykendall

Locke

Mixon

Mooneyham

Parrish

Russell

Simpson

Stephens

Taylor

Thomas

Tucker

Walden

Wellborn

—19

Nays:—None.

The bill:

H. 835. To amend Section 269 of an act entitled "An act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs:

Bonner	Fletcher	McDowell	Stephens
Browder	Glover	Parrish	Taylor
Carlton	Kuykendall	Rogers (Mobile)	Thomas
Chesnut	Locke	Russell	Walden
Dorsey	Mixon	Simpson	Wellborn

—20

Nays:—None.

The bill:

H. 880. To amend Section 252 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Was taken up.

Mr. Bonner offered the following substitute for said bill, to-wit:

Amend House Bill No. 880 to read as follows:

A BILL

To be entitled An Act to amend Section 252 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10th, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 252 of an act entitled "An Act to provide for the general revenue of the State of Alabama, approved July 10th, 1935", be amended so as to read as follows:

Section 252. Any purchaser of lands at a tax sale other than the State or anyone claiming under him, shall be entitled to possession of said lands immediately upon receipt of certificate of sale from the Tax Collector, and if possession be not surrendered within six months after demand therefor is made by said purchaser or his assignee, the said purchaser or his assignee may maintain an action in ejectment or a statutory real action in the nature of ejectment, or other proper remedy for the recovery of the possession of the lands purchased at such sales, and shall be entitled to hold the possession thereof on recovery, subject, however, to all rights of redemption provided for in this act.

If the mortgage or other instrument creating a lien under which a party seeks to redeem is duly recorded at the time of said tax sale, the said party shall, in addition to the time in this Act specified, have the right to redeem said real estate sold, or any portion thereof covered by his mortgage or lien, at any time within one year from the date of written notice from the purchaser of his purchase of said lands at tax sale, served upon such party, and

notice served upon either the original mortgagee or lien holder or their transferee of record, or their heirs, personal representatives or assigns, shall be sufficient notice. Such notice shall be given by registered mail, return receipt demanded, addressed to the last known address of the mortgagee or lien holder.

Section 2. The provisions of this Act shall go into effect on the first day of October, 1935.

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Bonner	Kelly	Russell	Taylor
Browder	Locke	St. John	Thomas
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	Parrish	Stephens	Wellborn
Glover	Rogers (Mobile)	Swift	Woodall

—24

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Wellborn
Glover	Parrish	Stephens	Woodall

—20

Nays:—None.

The bill:

H. 834. To amend Section 251 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Was taken up.

Mr. Bonner offered the following substitute for said bill to-wit:
Amend House Bill No. 834 to read as follows:

A BILL

To be entitled An Act to amend Section 251 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 251 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10th, 1935, be amended so as to read as follows:

Section 251. When lands are bid in for the State at tax sales the State shall be entitled to possession of said lands immediately upon execution of the certificate of sale by the Judge of Probate. If possession be not surrendered within six months from the date of sale, after demand therefor is made by the State Land Commissioner in behalf of the State, or if the certificate has been assigned, by the assignee, then the State Land Commissioner in the name of the State or the assignee of the State, if the certificate has been assigned, may maintain an action in ejectment or a statutory real action in the nature of ejectment, or other proper remedy for the recovery of the possession of the lands purchased at such sales, and shall be entitled to hold the possession thereof on recovery, subject, however, to all rights of redemption provided for in this act.

If the mortgage or other instrument creating a lien under which a party seeks to redeem is duly recorded at the time of said tax sale, the said party shall, in addition to the time in this act specified, have the right to redeem said real estate sold, or any portion thereof covered by his mortgage or lien, at any time within one year from the date of written notice from the purchaser of his purchase of said lands at tax sale, served upon such party, and notice served upon either the original mortgagee or lien holder or their transferee of record, or their heirs, personal representatives or assigns, shall be sufficient notice. Such notice shall be given by registered mail, return receipt demanded, addressed to the last known address of the mortgagee or lien holder.

Section 2. The provisions of this Act shall go into effect on the first day of October, 1935.

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Fletcher

Glover
Kelly
Kuykendall
Locke
Mixon
Mooneyham

Parrish
Rogers (Mobile)
Russell
Simpson
Starnes
Stephens

Taylor
Thomas
Tucker
Walton
Wellborn
Woodall

—25

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Wellborn
Dorsey	Parrish	Stephens	Woodall
Glover			

—21

Nays:—None.

The bill:

H. 921. To amend Schedule 158.3 of Section 348, in Chapter 6 of Article XIII, of an Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to provide for the General Revenue of the State of Alabama".

Was read a third time at length and passed.

Yeas, 25; Nay, 1.

Yeas:

Messrs:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	Rogers (Mobile)	Swift	Woodall
Glover			

—25

Nay:—Mr. Taylor.

—1

The bill:

H. 1055. To provide that in all counties in the State of Alabama having a population of One Hundred and Ten Thousand (110,000) and not more than Two Hundred Thousand (200,000) according to the last or any subsequent Federal Census that in all misdemeanor cases that a solicitor's fees as now are hereafter fixed by law may be charged as court cost in the discretion of the Judge trying the case.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Wellborn
Frazer	Parrish	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 64. To amend Sections 9, 14 and 15 of an Act approved July 10, 1931, entitled: "An Act to protect the public health and welfare, to provide for the construction, maintenance and operation of hospitals and sanatoria for the treatment of tuberculosis, and to make appropriations for the building and maintenance of same".

Was read a third time at length and passed.

Yeas, 24; Nays, 2.

Yeas:

Messrs:

Browder	Kelly	Parrish	Stephens
Carlton	Kuykendall	Rogers (Mobile)	Swift
Chesnut	Locke	Russell	Taylor
Dorsey	Mixon	St. John	Thomas
Fletcher	Mooneyham	Simpson	Tucker
Glover	McDowell	Starnes	Woodall

—24

Nays:—Messrs. Bonner and Walden.

—2

The bill:

H. 635. For the Relief of Frank M. Barry and to appropriate for this purpose the sum of \$86.54 out of any money in the State Treasury, not otherwise appropriated, in order to reimburse the said Frank M. Barry for an overpayment made by the said Frank M. Barry to the State Treasury through the Probate Judge of Colbert County, Alabama, in redeeming certain property sold for state and county taxes in the year 1932.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Frazer	Parrish	Swift	Woodall
Glover	Rogers (Mobile)	Taylor	

—27

Nays:—None.

The bill:

H. 1006. To Amend Schedule 158.1 of an act entitled an act to provide for the general revenue of the State of Alabama to read as follows: approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs:			
Bonner	Glover	Rogers (Mobile)	Swift
Browder	Kelly	Russell	Taylor
Carlton	Kuykendall	St. John	Thomas
Chesnut	Locke	Simpson	Tucker
Dorsey	Mixon	Starnes	Walden
Frazer	Mooneyham	Stephens	Woodall

—24

Nays:—None.

The bill:

H. 899. "To amend Section 145 of Article V, of an Act entitled 'An Act to Provide for the General Revenue of the State of Alabama', approved July 10, 1935".

Was read a third time at length and lost.

Yeas, 8; Nays, 18.

Yeas:

Messrs:			
Dorsey	McDowell	Russell	Tucker
Frazer	Rogers (Mobile)	Starnes	Wellborn

—8

Nays:

Messrs:			
Bonner	Glover	Mooneyham	Swift
Browder	Kelly	Parrish	Taylor
Carlton	Kuykendall	St. John	Thomas
Chesnut	Locke	Stephens	Woodall
Fletcher	Mixon		

—18

PAIRS ANNOUNCED

Mr. Simpson announced that he and Mr. Weaver were paired on this vote; that Mr. Weaver, if present, would vote "no", and he, Mr. Simpson, would vote "aye."

Mr. Walden announced that he and Mr. Goldsmith were paired on this vote; that Mr. Goldsmith, if present, would vote "no", and he, Mr. Walden, would vote "aye".

Mr. Walton announced that he and Mr. Rogers of Sumter were paired on this vote; that Mr. Rogers of Sumter, if present, would vote "aye", and he, Mr. Walton, would vote "no".

The bill:

H. 732. To regulate the occupation and practice of Cosmetology in the state of Alabama; to establish a Board of Cosmetology in said state; to define the duties of such Board, the election of officers and their duties; provide for the salaries of such Board and employees of such Board; to define what shall constitute the

practice of Cosmetology in Alabama; to set up qualifications for students; to set up rules for the admission to practice Cosmetology and licenses to operate shops and schools in the State; to provide for sanitary regulations for the protection of the public; to provide for the refusal or revocation of license in said State; to provide for the renewal of licenses in the State; to provide for the enforcement of the Act, and penalties for the violation of this Act.

Was read a third time at length and lost.

Yeas, 5; Nays, 21.

Yeas:

Messrs:

Bonner	Russell	Simpson	Stephens	
Rogers (Mobile)				—5

Nays:

Messrs:

Bonner	Locke	St. John	Tucker	
Carlton	Mixon	Starnes	Walden	
Chesnut	Mooneyham	Swift	Walton	
Dorsey	McDowell	Taylor	Wellborn	
Frazer	Parrish	Thomas	Woodall	
Kelly				—21

The bill:

H. 917. To amend Sections 2, 3 and 4 of an Act approved February 10, 1927, entitled "An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance agents." (General Acts 1927, page 34.)

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	St. John	Thomas	
Browder	Mixon	Simpson	Tucker	
Dorsey	Mooneyham	Starnes	Walden	
Fletcher	McDowell	Stephens	Walton	
Frazer	Rogers (Mobile)	Swift	Wellborn	
Kelly	Russell	Taylor	Woodall	
Kuykendall				—25

Nays:—None.

The bill:

H. 954. To amend Section 6 of an Act approved March 10, 1933, entitled, "An Act to provide for the designation by the Court of County Commissioners, Board of Revenue or like Governing Body depositaries for the official funds of County Tax

Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the court of County Commissioners, Board of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00 and in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims."

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Wellborn
Frazer	Parrish	Swift	Woodall
Glover	Riddle		

—30

Nays:—None.

The bill:

H. 654. To amend Section 5311 of the Code of 1923.

Was read a third time at length and passed.

Yeas, 24; Nays, 3.

Yeas:

Messrs.:

Bonner	Glover	McDowell	Stephens
Browder	Kelly	Parrish	Swift
Carlton	Kuykendall	Rogers (Mobile)	Taylor
Cook	Locke	Russell	Thomas
Dorsey	Mixon	St. John	Walden
Frazer	Mooneyham	Starnes	Woodall

—24

Nays:

Messrs.:

Simpson	Walton	Wellborn
---------	--------	----------

—3

The bill:

H. 532. To amend the Code of Laws for the State of Alabama, known as the "Agricultural Code of Alabama", of 1927, adopted as the Code of Laws for the State of Alabama, prepared in accordance with the provisions of the Act approved February 18, 1927, (H. 273 Goode) by the Act of the Legislature approved August 24, 1927, which pertains to Agriculture and Industries, the Department of Agriculture and Industries, the Commissioner of Agriculture and Industries and the State Board of Agriculture, and relating subjects as follows: Amending Section 124 of Article Sixteen, pertaining to Commercial Feeds; amending Section 163 of Article Eighteen, pertaining to Insecticides and Fungicides; and, amending Section 217 of Article Twenty-three, pertaining to Suspension From Sale, Seizure by Writ of Attachment, and Authority to Collect and Analyze Samples; and, providing for the repeal of laws and parts of laws in conflict with this Act and the effective date of the same.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Taylor
Browder	Kuykendall	St. John	Thomas
Carlton	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Frazer	Rogers (Mobile)	Swift	Woodall

—24

Nays:—None.

The bill:

H. 1052. To amend the Code of Laws for the State of Alabama, known as the "Agricultural Code of Alabama", of 1927, adopted as the Code of Laws for the State of Alabama, prepared in accordance with the provisions of the Act approved February 18, 1927, (H. 275 Goode) by the Act of the Legislature approved August 24, 1927, which pertains to Agriculture and Industries, the Department of Agriculture and Industries, the Commissioner of Agriculture and Industries and the State Board of Agriculture, and relating subjects, as follows: Amend Section 149, of Article 17 pertaining to fertilizers and, providing for the repeal of laws and parts of laws in conflict with this act and the effective date of the same.

Was taken up.

The Standing Committee on Agriculture reported the following substitute for said bill to-wit:

Substitute for House Bill No. 1052:

A BILL

To be entitled An Act to amend the Code of Laws for the State of Alabama, known as the "Agricultural Code of Alabama", of 1927, adopted as the Code of Laws for the State of Alabama, prepared in accordance with the provisions of the Act approved February 18, 1927, (H. 275 Goode) by the Act of the Legislature approved August 24, 1927, which pertains to Agriculture and Industries, the Department of Agriculture and Industries, the Commissioner of Agriculture and Industries and the State Board of Agriculture, and relating subjects, as follows: Amend Sections 149 and 153, of Article 17 pertaining to fertilizers, and providing for the repeal of laws and parts of laws in conflict with this Act and the effective date of the same.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 149 of Article 17 of the "Agricultural Code of Alabama", of 1927, be and the same is hereby amended to read as follows: Section 149. Commissioner notified of shipments.—It shall be the duty of persons shipping fertilizer or fertilizer material to notify the Commissioner in writing by mail or otherwise on the day of shipment, or within twenty-four hours thereafter of every shipment exceeding five tons and to notify the Commissioner of all shipments of five tons or less in accordance with regulations to be adopted by the State Board of Agriculture. Such notice shall state the brand name, number of sacks, the net weight of each sack or package, the guaranteed analysis, and to whom shipped and their address.

Section 2. That Section 153 of Article 17 of the "Agricultural Code of Alabama", of 1927, be and the same is hereby amended to read as follows: Section 153. Complete Fertilizer Standard.—The State Board of Agriculture is authorized, from time to time, to establish standards of classification for fertilizer or fertilizer materials according to grade by which its quality, condition or fertilizing value may be judged, to alter or modify such standards as they may find necessary, and to make such investigations as may be required for such purpose. No complete fertilizer, acid phosphate with potash, nitrogen with acid phosphate, or plain acid phosphate, shall be sold in this State which contains less than sixteen per cent plant food; namely, nitrogen, available phosphoric acid and potash, either singly or in combination; provided, that no complete fertilizer or nitrogen with acid phosphate, shall be sold in this State which contains less than three and no one-hundredths (3.0%) per cent of nitrogen.

Section 3. Construction.—That if any provision of this Act or the application thereof to any person or circumstance shall be held

by any Court to be unconstitutional, such holding shall not affect any other provision of this Act, or the application of such provision to other persons or circumstances, it being the intent and purpose hereof that each provision hereof shall stand or fall on its own merits and that judicial annulment of any provision hereof shall have no effect upon any other provision not so annulled.

Section 4. Repeal of Conflicting Laws.—That all laws and parts of laws, general, special or private, in conflict with the terms and provisions of this Act are hereby repealed.

Section 5. Effective Date.—This Act shall take effect and become operative immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 20; Nays, 2.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Tucker
Browder	Kuykendall	Russell	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	Parrish	Swift	Woodall

—20

Nays:—Messrs. Frazer and Taylor.

—2

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	Simpson	Walden
Cook	Mixon	Stephens	Walton
Dorsey	Mooneyham	Swift	Woodall
Glover	Rogers (Mobile)	Taylor	

—19

Nays:—None.

The bill:

H. 992. To provide for city and regional planning, the creation, organization and powers of planning commissions, the personnel, powers and duties, the financial and legal status and its relation to Zoning. The regulation of subdivisions of land. The acquisition of right to keep planned streets free from buildings, compensation, appraisal and appeals and to provide penalties for violating this act.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Browder	Goldsmith	Rogers (Mobile)	Thomas
Carlton	Kelly	Russell	Tucker
Cook	Kuykendall	St. John	Walden
Dorsey	Locke	Simpson	Walton
Fletcher	Mixon	Stephens	Wellborn
Glover	McDowell	Swift	Woodall

—24

Nays:—None.

The bill:

H. 991. To empower municipal corporations to provide for, regulate and restrict the segregation of business, industrial and residential sections, the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the distance of buildings from streets, alleys or other public ways, the distance between buildings, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a Zoning Commission, and the power, jurisdiction and authority thereof; to provide for a board of Zoning Adjustment and define the authority, powers and functions of such board of Zoning Adjustment, its procedure and appeal from its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this act.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	McDowell	Swift
Browder	Goldsmith	Parrish	Thomas
Carlton	Kelly	Rogers (Mobile)	Tucker
Cook	Kuykendall	Russell	Walden
Dorsey	Locke	St. John	Walton
Fletcher	Mixon	Simpson	Woodall
Frazer	Mooneyham	Stephens	

—27

Nays:—None.

The bill:

H. 832. To amend Section 6767 of the Code of Alabama, 1923.
Was read a third time at length and passed.

Yeas, 25; Nay, 1.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Swift
Browder	Kuykendall	Rogers (Mobile)	Thomas
Carlton	Locke	Russell	Tucker
Cook	Mixon	St. John	Walton
Dorsey	Mooneyham	Simpson	Wellborn
Frazer	McDowell	Stephens	Woodall
Glover			

—25

Nay:—Mr. Walden.

—1

The bill:

H. 1044. To define "Hospital Executives" and to provide for registration of the same.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Kuykendall	St. John	Walden
Cook	Locke	Simpson	Walton
Dorsey	Mixon	Stephens	Wellborn
Frazer	McDowell	Swift	Woodall
Glover	Parrish		

—26

Nays:—None.

The bill:

H. 162. To amend Section 334, Schedule 1, Subsection 31, of the Compiled Revenue Code of Alabama, and the Act approved July 22, 1927, entitled "In reference to and to further provide for the general revenue of the State of Alabama and published as Section 19, at page 160 of the Acts of 1927, as further amended by an act approved July 30, 1931, entitled "An Act to amend Section 19 of the Revenue Act of 1927," which said amendment appears at page 812 of the published General Acts of Alabama of 1931, by exempting from the privilege or license tax for the operation of automotive vehicles imposed by said revenue law all passenger vehicles owned and operated by the Federal Government or by officers and enlisted men actually serving in the United States Army who are assigned by the War Department as Instructors and/or Sergeant-Instructors with the National Guard of Alabama and all commissioned officers of the Active National Guard of Alabama.

Was read a third time at length and passed.

Yeas, 17; Nays, 12.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers (Mobile)	Tucker
Carlton	Locke	Russell	Walton
Cook	Mooneyham	St. John	Wellborn
Dorsey	McDowell	Simpson	Woodall
Kelly			

—17

Nays:

Messrs.:

Bonner	Glover	Parrish	Taylor
Fletcher	Goldsmith	Starnes	Thomas
Frazer	Mixon	Swift	Walden

—12

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Lusk:

H. J. R. 457. Be it Resolved by the House of Representatives, the Senate concurring:

That WHEREAS, both Houses by Joint Resolution have recalled House Bill 408, House Bill 499, House Bill 814, House Bill 963 and House Bill 967, all of which proposed amendments to the Constitution and provide for a submission of such proposed amendments to the qualified electors of the State of Alabama; and said bills provide for different dates for the holding of such elections and,

WHEREAS it is deemed for the best interest of the State and for reasons of economy in the calling of such elections and the submissions of said proposed amendments that one date be fixed for the submission to the qualified electors of all of said proposed amendments and that the Governor's suggestions in reference to the correction of said bills be concurred in and said Bills be reconsidered by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Speaker of the House be and he is hereby requested and directed to erase his signature and verification from each of said bills and thereupon that said bills be sent immediately to the Senate and that the President of the Senate be requested and directed to erase his signature and verification from each of said bills, and that thereupon each of the votes by which each of said bills was passed in the Senate be then subject to reconsideration and that thereupon said bills be subject to amendment in order that (1) Any clerical errors, omissions or defects

in said bills or any of them can be corrected by amendment; (2) that said bills be subject to further amendments by the Senate by which the elections provided for in said bills can all be held on the same date.

BE IT FURTHER RESOLVED that upon such action on the part of the Senate in the reconsideration and amendment of said bills that said bills, as amended by the Senate, be returned immediately to the House and that the House reconsider each of the votes by which each of said bills were passed, and that upon such reconsiderations by the House that said bills shall be subject to concurrence in any amendments made thereto by the Senate for the purposes and objects hereinabove set out.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, H. J. R. 457, set out in the foregoing Message from the House was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 424. To Amend Sections 94, 108-113, inclusive 133, 182, 277, 281, 290, and 472 of the Alabama School Code of 1927.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Shaver:

H. 708. To amend Section 1938 of the Code of Alabama of 1923:

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Mr. Rogers:

S. J. R. 127. Be it resolved by the Senate, the House concurring, that the House be requested to return to the Senate House Bill No. 331 for further action by the Senate.

And said bill, H. 331, by Mr. Staples:

H. 331. A bill to be entitled "An Act to submit to the qualified voters of this State, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, for their consideration an amendment to the Constitution of the State empowering the Legislature to authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County existing on September 30th, 1936; providing for the adoption of an annual budget for Mobile County; providing that the expenses of such County for any fiscal year shall not exceed the revenues of the County for that year, and providing that all debts contracted or liabilities incurred by the said County in excess of such revenues shall be void; providing that the governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the County subsequently collected for that year, and that any loan so made and not paid out of the general revenues of the County pledged to secure the same shall be void as to any amount remaining unpaid; providing that the Legislature shall not, after the adoption of such amendment, pass any law making any claim a preferred claim against said County, and annulling as to any future claim all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County; and providing penalties for the violation of any of the provisions of such amendment."

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely: "The Legislature of Alabama may authorize Mobile

County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, (and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901) fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing on September 30th, 1936. In September, 1936, after the adoption of this amendment to the Constitution, the governing body and the County Treasurer of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of the county for the preceding year and said Budget must cover current expenses for the year for which the Budget is adopted, for the fiscal year beginning October 1st, 1936, and the expenses of such fiscal year shall not exceed the revenues of the county for that year. Thereafter, and in September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of said county for the preceding year, for the succeeding fiscal year beginning October 1st, and the expenses of such county for any such fiscal year shall not exceed the Budget of the county for that year. All debts contracted or liabilities incurred by the said County in excess of such budget shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the County subsequently collected for that year, and any loan so made and not paid out of the general revenues of the County pledged to secure the same shall be void as to any amount remaining unpaid. The Legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said County, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County, are hereby annulled as to any future claim. The words 'governing body of Mobile County' as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the Board of Revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this amendment shall, upon conviction, be punished by a fine not exceeding \$5,000.00, or by im-

prisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each County in the State at least four successive weeks next preceding the date of the election hereinafter fixed of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the official ballot printed for such election shall be printed the following, namely: "Shall the following be adopted as an Amendment to the Constitution of Alabama: 'The Legislature of Alabama may authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing on September 30th, 1936. In September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of the preceding year for the succeeding fiscal year beginning October 1st, and the expenses of such County for any such fiscal year shall not exceed the revenues of the County for that year. All debts contracted or liabilities incurred by the said County in excess of such revenues shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the County subsequently collected for that year, and any loan so made and not paid out of the general revenues of the County pledged to secure the same shall be void as to any amount remaining unpaid. The

Legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said County, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County, are hereby annulled as to any future claim. The words "governing body of Mobile County" as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the Board of Revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this amendment shall, upon conviction, be punished by a fine not exceeding \$5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment." Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the voter shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers for said election shall open the polls for a vote of the qualified electors of the State upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State, and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Together with the Senate Joint Resolution is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

Pursuant to S. J. R. 127, set out in the foregoing Message from the House, Mr. Rogers of Mobile moved that the vote by which H. 331, set out in the foregoing Message from the House, was passed, be re-considered, which motion prevailed and said vote was re-considered.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Parrish	Swift
Browder	Kelly	Rogers (Mobile)	Taylor
Carlton	Kuykendall	Russell	Thomas
Cook	Locke	St. John	Tucker
Dorsey	Mixon	Simpson	Walden
Fletcher	Mooneyham	Starnes	Walton
Frazer	McDowell	Stephens	Woodall
Glover			

—29

Nays:—None.

Mr. Rogers of Mobile then moved that the vote by which said bill was ordered to an engrossment and third reading be re-considered, which motion prevailed and said vote was re-considered.

Mr. Rogers of Mobile then offered the following amendment to said bill:

Amend Section 1 of H. B. 331 by striking out that part of Section 1 of the said bill beginning with the words "In September, 1936" and ending with the words "in excess of said budget shall be void", and substituting in lieu thereof the following:

"In September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95 per cent of the gross receipts of the general fund of the preceding year for the succeeding fiscal year beginning October 1st, and the expenses of such county for any such fiscal year shall not exceed the revenues of the County for that year. All debts contracted or liabilities incurred by the said county in excess of such revenues shall be void."

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Dorsey	Locke	Simpson	Walden
Fletcher	Mixon	Starnes	Walton
Frazer	Mooneyham	Stephens	Woodall
Glover	McDowell	Swift	

—27

Nays:—None.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Dorsey	Mixon	Simpson	Walden
Fletcher	Mooneyham	Starnes	Walton
Frazer	McDowell	Stephens	Wellborn
Glover	Parrish	Swift	Woodall
Goldsmith			

—29

Nays:—None.

BILLS ON THIRD READING RESUMED

The bill:

H. 751. To prohibit the use of hoop nets, fish baskets and certain other fishing devices in artificially impounded public waters of this State, and in the public waters within one mile below any lock or dam; to prohibit the sale of bass, commonly called trout or green trout, within the State of Alabama, regardless of where taken; to provide for penalties for violations of this Act; to make the possession of prohibited fishing devices on, at or within one-half mile of such waters or on a boat on the waters in which the use of such devices is prohibited a violation of law; to provide for the confiscation of prohibited devices; and to repeal all laws or parts of laws in conflict with this Act.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Dorsey	Mixon	Simpson	Walton
Fletcher	Mooneyham	Starnes	Wellborn
Glover	McDowell	Swift	Woodall
Goldsmith	Parrish	Taylor	

—27

Nays:—None.

The bill:

H. 761. To give to the State Docks Commission full power to establish a Foreign Trade Zone as defined by the Laws of the United States, and to give the said Commission power to comply with the Laws, Rules and Regulations prescribed by the Federal Government for the establishment of such zones.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McDowell	Starnes	Wellborn
Dorsey	Parrish	Taylor	Woodall
Glover			

—25

Nays:—None.

The bill:

H. 501. To repeal an Act entitled, "An Act to Prohibit the State of Alabama, the State Docks Commission, or any other agency or commission of the State, from granting any exemption from any State, county or municipal taxation; and to modify or repeal any Act or Acts contrary to the Provisions hereof." (Approved August 4, 1931).

Was read a third time at length and lost.

Yeas, 9; Nays, 19.

Yeas:

Messrs.:

Carlton	Kelly	Mooneyham	Rogers (Mobile)
Fletcher	Kuykendall	McDowell	St. John
Frazer			

—9

Nays:

Messrs.:

Bonner	Goldsmith	Stephens	Walden
Browder	Mixon	Swift	Walton
Cook	Parrish	Taylor	Wellborn
Dorsey	Russell	Thomas	Woodall
Glover	Simpson	Tucker	

—19

The bill:

H. 976. To amend section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled, "An Act to amend sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923" approved August 20, 1927.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Carlton	Kuykendall	Simpson	Thomas
Cook	Mixon	Starnes	Tucker
Dorsey	McDowell	Stephens	Walden
Frazer	Parrish	Swift	Walton
Glover	Russell	Taylor	Woodall
Kelly	St. John		

—22

Nays:—None.

The bill:

H. 859. To provide for the Attorney General Supplying to the Probate Judges of the several Counties of the State, copies of his written opinions, in pamphlet form, each month.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:

Carlton	Kuykendall	St. John	Taylor
Cook	Mixon	Simpson	Thomas
Dorsey	McDowell	Starnes	Walden
Glover	Parrish	Stephens	Walton
Kelly	Russell	Swift	Woodall

—20

Nays:—None.

The bill:

H. 613. To Amend Sections 1 and 3 of an Act approved September 9, 1927 Amending Sections 1754, 1757, 1760 and 1894 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 19; Nays, 2.

Yeas:

Messrs.:

Carlton	Kelly	St. John	Thomas
Cook	Kuykendall	Simpson	Walton
Dorsey	Mixon	Stephens	Wellborn
Frazer	McDowell	Swift	Woodall
Glover	Russell	Taylor	

—19

Nays:—Messrs. Starnes and Walden.

—2

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Resolutions and ordered same returned to the Senate with a favorable report to-wit:

H. J. R. 413. Relative to expressing the opposition of the Legislature of Alabama to the elimination of railroad facilities in this State.

And on motion of Mr. Walton said Resolution was laid on the table.

Also favorably:

H. J. R. 304. Relative to the Governor appointing a committee to study the subject of Regulatory Legislation, commonly known and referred to as NRA Legislation.

And on motion of Mr. Swift, said resolution was laid on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 181. For the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House bills:

By Mr. Parrish (Henry):

H. 1052. To amend the Code of Laws for the State of Alabama, known as the "Agricultural Code of Alabama", of 1927, adopted as the Code of Laws for the State of Alabama, prepared in accordance with the provisions of the Act approved February 18, 1927, (H. 275 Goode) by the Act of the Legislature approved August 24, 1927, which pertains to Agriculture and Industries, the Department of Agriculture and Industries, the Commissioner of Agriculture and Industries and the State Board of Agriculture, and relating subjects, as follows: Amend Sections 149 and 153, of Article 17 pertaining to fertilizers, and providing for the repeal of laws and parts of laws in conflict with this Act and the effective date of the same.

Also:

By Mr. Lusk:

H. 834. To amend Section 251 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

By Mr. Lusk:

H. 880. To amend Section 252 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10th, 1935.

E. F. Taylor,
Clerk.

RECONSIDERATION OF VOTE

Mr. Taylor moved that the vote by which the bill:

H. 501. To repeal an Act entitled, "An Act to Prohibit the State of Alabama, the State Docks Commission, or any other agency or commission of the State, from granting any exemption from any State, county or municipal taxation; and to modify or repeal any Act or Acts contrary to the Provisions hereof." (Approved August 4, 1931).

Was lost, be reconsidered, which motion prevailed and said vote was reconsidered.

Yeas, 21; Nays, 6.

Yeas:

Messrs.:

Carlton	Glover	Parrish	Taylor
Chesnut	Kelly	Rogers (Mobile)	Thomas
Cook	Kuykendall	St. John	Walton
Dorsey	Locke	Starnes	Wellborn
Fletcher	McDowell	Stephens	Woodall
Frazer			

—21

Nays:

Messrs.:

Bonner	Russell	Tucker	Walden
Browder	Simpson		

—6

And said bill was then read a third time at length and passed.

Yeas, 21; Nays, 6.

Yeas:

Messrs.:

Carlton	Glover	Parrish	Taylor
Chesnut	Kelly	Rogers (Mobile)	Thomas
Cook	Kuykendall	St. John	Walton
Dorsey	Locke	Starnes	Wellborn
Fletcher	McDowell	Stephens	Woodall
Frazer			

—21

Nays:

Messrs.:

Bonner	Russell	Tucker	Walden
Browder	Simpson		

—6

MESSAGE FROM THE HOUSE

Mr. President:

In keeping with House Joint Resolution No. 457 the Speaker of the House has erased his signature from the following House bills:

H. 408. Enrolled, An Act, To propose an amendment to Section 229 of the Constitution of Alabama to be known and designated as Article.....thereof, and to order an election by the qualified electors of the State of Alabama upon such proposed amend-

ment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 229 of the Constitution of the State of Alabama to be known and designated as Article_____thereof is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a Franchise Tax by corporations organized under the laws of this State which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations, or Federal Savings and Loan Associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended, or building and loan associations organized under or authorized to do business by the laws of Alabama, shall not be required to pay such a tax on their withdrawable or repurchasable shares. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, viz: "Shall the following be adopted as an amendment to Section 229 of the Constitution of Alabama? 'Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject,

nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the laws of this State, which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations, or Federal Savings and Loan Associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended or building and loan associations organized under or authorized to do business by the laws of Alabama, shall not be required to pay such a tax on their withdrawable or repurchasable shares. The Charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified.'"

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

H. 499. A bill to be entitled An Act To submit to the qualified electors of Alabama an amendment to the Constitution of Alabama authorizing Lawrence County to increase its indebtedness in a sum not exceeding \$130,000 in addition to that now authorized, for the purpose of constructing and equipping a courthouse; authorizing the issuance and sale of bonds therefor; authorizing the levy and collection of taxes on all taxable property in Lawrence County at a rate not exceeding 3 mills to pay said indebtedness; to provide that said levy and collection of taxes for said purpose shall not be continued for a period of more than 25 years from the date of the levy thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution

of Alabama is hereby proposed by the Legislature for the Consideration of the qualified electors of Alabama, namely;

Lawrence County may become indebted and may issue bonds therefor in an amount not exceeding \$130,000 in addition to that now authorized, for the construction of and equipping of a courthouse in said county. To pay said indebtedness, and interest thereon, Lawrence County may levy and collect an annual tax on all property situated therein at a rate not in excess of 3 mills. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of the construction and equipping of said courthouse hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the County Governing Body of said County; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate of taxation first shall have been authorized by a majority of the qualified electors of said county voting upon such proposal at an election to be called by said county governing body for said purposes to be held not less than sixty (60) nor more than (120) One hundred twenty days after the adoption of this amendment.

Section 2. It is ordered by the Legislature that an election by the qualified electors of this State upon the aforesaid proposed amendment be held at the general election next succeeding the present session of the Legislature. On the official ballot provided for such election, there shall be printed the following:

Lawrence County may become indebted and may issue bonds therefor in an amount not exceeding \$130,000 in addition to that now authorized, for the construction of and equipping of a courthouse in said county. To pay said indebtedness, and interest thereon, Lawrence County may levy and collect an annual tax on all property situated therein at a rate not in excess of 3 mills. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of the construction and equipping of said courthouse hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the County Governing Body of said County; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate

of taxation first shall have been authorized by a majority of the qualified electors of said county voting upon such proposal at an election to be called by said county governing body for said purposes to be held not less than sixt (60) nor more than One Hundred Twenty (120) days after the adoption of this amendment. (Yes..... No.....)

Section 3. The officers to hold such election shall be the same as provided for the general election; and the returns shall be canvassed and the proclamation of the result shall be made as is provided by general laws relating to elections on constitutional amendments.

H. 814. A bill to be entitled An Act To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature an amendment to the Constitution of the State of Alabama, continuing the amount of taxes which may be levied by the Governing Body of the Municipality of Attalla, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State, is hereby authorized upon such proposed amendment and the day appointed for such election is the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed. The amendment proposed is as follows:

(a) That the Municipality of Attalla, Alabama, through its governing body, may levy and collect from and after the date of this amendment the present rate of one per cent ad valorem tax per annum, and said amount to be devoted to the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality, but before any additional tax now authorized by law can be levied, it must be voted by a majority of qualified electors of the Municipality voting on such propositions at an election called by the governing body of said Municipality for such purposes; providing that the total tax levied for all purposes by the said Municipality of Attalla shall not exceed one per centum in any one year on the property situated therein, based on the valuation of such property as assessed for State taxation.

(b) That the adoption of this amendment shall in no wise effect, limit, modify, abridge or impair the power, authority or right of such Municipality to levy and collect the special school taxes

now or hereafter vested in or conferred upon it under the Constitution or any amendment thereto.

(c) Each election held under the provisions of this amendment shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to Municipal Corporations, for elections to order the issuance of municipal bonds. The ballots used at such election shall contain the following words:

"For authorization of a continuation of taxation at a rate not to exceed one per cent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality."

"Against authorization of a continuance of taxation at a rate not to exceed one per cent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality."

The rate of taxation proposed shall be printed upon the ballot in the space indicated therefor and for the year or years in which the proposed rate is to apply, and the purpose or purposes for which said tax is to be used shall likewise be placed in the respective places therefor. The voter shall record his choice either for or against authorization of the proposed rate for the proposed purpose or purposes by placing a cross mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or effect the rights of any holder of bonds of said Municipal Corporations heretofore issued. Elections in said Municipality to order the levy of such tax may be held as often as ordered by the governing body thereof, but when a proposition is submitted to the said municipality hereunder and such proposition is defeated, no second election shall be held in such municipality for one year thereafter. This amendment shall be self-operative without any additional legislation.

Section 2. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county of the State for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. The expense of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

H. 967. A Bill to be entitled An Act, to submit to the qualified voters of the State of Alabama, at an election to be held when the first general election on any question is submitted to the legal voters of Alabama, but said election not to be held within three months from and after the final adjournment of the present regular

session of the 1935 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Calhoun, and Tuscaloosa; and, whereby all Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable or purporting to be applicable to any or all of said Counties, and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in the following named counties; Calhoun and Tuscaloosa. All Acts of the Regular Session of the Legislature, 1935, heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix the compensation of said named county officers, on a salary basis, are hereby validated and confirmed."

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least eight successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held when the first general election on any question is submitted to the legal voters of Alabama, but said election not to be held within three months from and after the final adjournment of the present regular session of

the 1935 Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? 'The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation or consolidate any of said offices in the following named counties: Calhoun and Tuscaloosa. All Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix, the compensation of said named county officers, on a salary basis, are hereby validated and confirmed.' (Yes..... No.....)" The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

H. 963. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama permitting certain school districts in Lawrence County, Alabama, to levy and collect for school purposes a tax of three mills in addition to all taxes now authorized.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, to-wit: Enon School District, Hendon School District, Oakville School District, Cave Springs School District, Center School District, Piney Grove School District, Shiloh School District and Speake School District in Lawrence County, Alabama, shall each have the right and power by

vote of a majority of the qualified electors of such district at an election held for that purpose to levy and collect for the purpose of acquiring, constructing or repairing of school buildings in such districts or paying for school buildings already built, a tax of not over three mills in any one year, in addition to all other taxes now authorized by law. The election in such districts to determine whether or not such tax shall be levied shall be called, held and conducted as now provided by law for calling, holding and conducting of election to determine whether or not a three mills district school tax shall be levied and collected.

Section 2. This amendment shall be submitted to the qualified electors of the State on the first Tuesday following the expiration of ninety days after the final adjournment of the Legislature.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

In accordance with House Joint Resolution 457, heretofore adopted, the President of the Senate, in the presence of the Senate, erased his signature from the bills, H. 408, H. 499, H. 814, H. 967 and H. 963, each of which is set out in the foregoing message from the House.

RECONSIDERATION OF VOTE

Mr. Simpson moved that the vote by which the bill:

H. 499. A bill to be entitled An Act to submit to the qualified electors of Alabama an amendment to the Constitution of Alabama authorizing Lawrence County to increase its indebtedness in a sum not exceeding \$130,000 in addition to that now authorized, for the purpose of constructing and equipping a courthouse; authorizing the issuance and sale of bonds therefor; authorizing the levy and collection of taxes on all taxable property in Lawrence County at a rate not exceeding 3 mills to pay said indebtedness; to provide that said levy and collection of taxes for said purpose shall not be continued for a period of more than 25 years from the date of the levy thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed by the Legislature for the consideration of the qualified electors of Alabama, namely:

Lawrence County may become indebted and may issue bonds therefor in an amount not exceeding \$130,000 in addition to that now authorized, for the construction of and equipping of a courthouse in said county. To pay said indebtedness, and interest thereon, Lawrence County may levy and collect an annual tax on

all property situated therein at a rate not in excess of 3 mills. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of the construction and equipping of said courthouse hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the County Governing Body of said County; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate of taxation first shall have been authorized by a majority of the qualified electors of said county voting upon such proposal at an election to be called by said county governing body for said purposes to be held not less than sixty (60) nor more than (120) One hundred twenty days after the adoption of this amendment.

Section 2. It is ordered by the Legislature that an election by the qualified electors of this State upon the aforesaid proposed amendment be held at the general election next succeeding the present session of the Legislature. On the official ballot provided for such election, there shall be printed the following:

Lawrence County may become indebted and may issue bonds therefor in an amount not exceeding \$130,000 in addition to that now authorized, for the construction of and equipping of a courthouse in said county. To pay said indebtedness, and interest thereon, Lawrence County may levy and collect an annual tax on all property situated therein at a rate not in excess of 3 mills. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of the construction and equipping of said courthouse hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the County Governing Body of said County; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate of taxation first shall have been authorized by a majority of the qualified electors of said county voting upon such proposal at an election to be called by said county governing body for said purposes to be held not less than sixty (60) nor more than One Hundred Twenty (120) days after the adoption of this amendment. (Yes..... No.....)

Section 3. The officers to hold such election shall be the same

as provided for the general election; and the returns shall be canvassed and the proclamation of the result shall be made as is provided by general laws relating to elections on constitutional amendments.

Was previously passed, be reconsidered which motion prevailed and said vote was reconsidered.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Dorsey	Mixon	Starnes	Walton
Fletcher	McDowell	Swift	Wellborn
Frazer	Parrish	Taylor	Woodall

Nays:—None.

—24

And on motion of Mr. Simpson the vote by which said H. 499 was ordered to engrossment and third reading was reconsidered.

Mr. Simpson then offered the following amendment to said H. 499, to-wit:

Amend House Bill No. 499 by adding to the caption thereof the following:

And to further provide for the submission of said proposed amendment to the qualified electors of the State on the first Tuesday after the expiration of three (3) months and after the final adjournment of the present session of the Legislature.

Amend Section 2 of said bill by striking therefrom the words beginning, "It is ordered by the Legislature", and ending, "there shall be printed the following", and substitute in lieu thereof, "The day hereby appointed for the election upon such proposed amendment is the first Tuesday after the expiration of three (3) months from and after the final adjournment of the present session of the Legislature. On the official ballot provided for such election there shall be printed the following."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Rogers (Mobile)	Taylor
Browder	Glover	St. John	Thomas
Carlton	Kuykendall	Simpson	Tucker
Chesnut	Locke	Starnes	Walden
Cook	Mixon	Stephens	Walton
Dorsey	McDowell	Swift	Woodall
Fletcher	Parrish		

Nays:—None.

—26

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Taylor
Browder	Kuykendall	St. John	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Cook	McDowell	Stephens	Walton
Dorsey	Parrish	Swift	Woodall

—24

Nays:—None.

RECONSIDERATION OF VOTE

Mr. Simpson moved that the vote by which the Senate previously passed the bill:

H. 408. Enrolled, An Act, To propose an amendment to Section 229 of the Constitution of Alabama to be known and designated as Article.....thereof, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 229 of the Constitution of the State of Alabama to be known and designated as Article.....thereof is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a Franchise Tax by corporations organized under the laws of this State which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations, or Federal Savings and Loan Associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended, or building and loan associations organized under or authorized to do business by the laws of Alabama, shall not be re-

quired to pay such a tax on their withdrawable or repurchasable shares. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore, provided by statute is ratified.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, viz: "Shall the following be adopted as an amendment to Section 229 of the Constitution of Alabama? 'Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the laws of this State, which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations, or Federal Savings and Loan Associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended or building and loan associations organized under or authorized to do business by the laws of Alabama, shall not be required to pay such a tax on their withdrawable or repurchasable shares. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified.'"

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; and if it shall appear that a majority of the

qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Be reconsidered, which motion prevailed and said vote was reconsidered.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Swift
Browder	Kelly	Russell	Taylor
Carlton	Kuykendall	St. John	Thomas
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	McDowell	Stephens	Woodall
Fletcher	Parrish		

—26

Nays:—None.

And on motion of Mr. Simpson the vote by which said H. 408 was ordered to engrossment and third reading was reconsidered.

Mr. Simpson then offered the following Substitute for said H. 408, to-wit:

Amend House Bill 408 so that the same shall read as follows:

A BILL

To be entitled An Act to propose an amendment to Section 229 of the Constitution of Alabama to be known as Amendment Number 27, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 229 of the Constitution of the State of Alabama to be known as Amendment Number 27 is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to re-

peal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a Franchise Tax by corporations organized under the laws of this State which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations or Federal building and loan associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended, or building and loan associations organized under or authorized to do business by the laws of Alabama shall not be required to pay such a tax on their withdrawable or repurchasable shares. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least eight successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, viz: "Shall the following be adopted as an amendment to Section 229 of the Constitution of Alabama? 'Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the laws of this State, which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations or Federal building and loan associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended, or building and loan associations organized under or authorized to do business by the laws of Alabama shall not be required to pay such a tax on their withdrawable or repurchasable shares. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified.' (Yes.....) (No.....)."

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and return thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	St. John	Thomas
Browder	Glover	Simpson	Tucker
Carlton	Kelly	Starnes	Walden
Chesnut	Locke	Stephens	Walton
Cook	Mixon	Swift	Wellborn
Dorsey	McDowell	Taylor	Woodall
Fletcher	Parrish		

—26

Nays:—None.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	St. John	Thomas
Browder	Kuykendall	Simpson	Tucker
Carlton	Locke	Starnes	Walden
Chesnut	Mixon	Stephens	Walton
Cook	McDowell	Swift	Wellborn
Dorsey	Parrish	Taylor	Woodall
Fletcher	Rogers (Mobile)		

—26

Nays:—None.

RECONSIDERATION OF VOTE

Mr. Simpson moved that the vote by which the Senate previously passed the bill:

H. 814. A bill to be entitled An Act to provide and submit to the qualified electors of the State of Alabama, at an election to

be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature an amendment to the Constitution of the State of Alabama, continuing the amount of taxes which may be levied by the Governing Body of the Municipality of Attalla, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State, is hereby authorized upon such proposed amendment and the day appointed for such election is the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed. The amendment proposed is as follows:

(a) That the Municipality of Attalla, Alabama, through its governing body, may levy and collect from and after the date of this amendment the present rate of one per cent ad valorem tax per annum, and said amount to be devoted to the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality, but before any additional tax now authorized by law can be levied, it must be voted by a majority of qualified electors of the Municipality voting on such propositions at an election called by the governing body of said Municipality for such purposes; providing that the total tax levied for all purposes by the said Municipality of Attalla shall not exceed one per centum in any one year on the property situated therein, based on the valuation of such property as assessed for State taxation.

(b) That the adoption of this amendment shall in no wise effect, limit, modify, abridge or impair the power, authority or right of such Municipality to levy and collect the special school taxes now or hereafter vested in or conferred upon it under the Constitution or any amendment thereto.

(c) Each election held under the provisions of this amendment shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to Municipal Corporations, for elections to order the issuance of municipal bonds. The ballots used at such election shall contain the following words:

"For authorization of a continuation of taxation at a rate not to exceed one per cent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality."

"Against authorization of a continuance of taxation at a rate not to exceed one per cent per annum for the purpose of the pay-

ment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality."

The rate of taxation proposed shall be printed upon the ballot in the space indicated therefor and for the year or years in which the proposed rate is to apply, and the purpose or purposes for which said tax is to be used shall likewise be placed in the respective places therefor. The voter shall record his choice either for or against authorization of the proposed rate for the proposed purpose or purposes by placing a cross mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or effect the rights of any holder of bonds of said Municipal Corporations heretofore issued. Elections in said Municipality to order the levy of such tax may be held as often as ordered by the governing body thereof, but when a proposition is submitted to the said municipality hereunder and such proposition is defeated, no second election shall be held in such municipality for one year thereafter. This amendment shall be self-operative without any additional legislation.

Section 2. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county of the State for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. The expense of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

Be reconsidered, which motion prevailed and said vote was reconsidered.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Parrish	Swift
Browder	Glover	Rogers (Mobile)	Taylor
Carlton	Kelly	Russell	Thomas
Chesnut	Kuykendall	St. John	Tucker
Cook	Locke	Simpson	Walden
Dorsey	Mixon	Starnes	Woodall
Fletcher	McDowell	Stevens	

—27

Nays:—None.

And on motion of Mr. Simpson the vote by which said H. 814 was ordered to engrossment and third reading was reconsidered.

Mr. Simpson then offered the following amendment to said H. 814, to-wit:

Amend House Bill 814 as follows:

Strike from the caption and Section 1 thereof the words: "The second Tuesday" and substitute in lieu thereof the following words: "The first Tuesday".

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner	Frazer	Rogers (Mobile)	Swift
Browder	Glover	Russell	Taylor
Carlton	Kelly	St. John	Thomas
Chesnut	Kuykendall	Simpson	Tucker
Cook	Locke	Starnes	Walden
Dorsey	Mixon	Stephens	Woodall
Fletcher	Parrish		

—26

Nays:—None.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Parrish	Swift
Browder	Glover	Rogers (Mobile)	Taylor
Carlton	Kelly	Russell	Thomas
Chesnut	Kuykendall	St. John	Tucker
Cook	Locke	Simpson	Walden
Dorsey	Mixon	Starnes	Woodall
Fletcher	McDowell	Stephens	

—27

Nays:—None.

RECONSIDERATION OF VOTE

Mr. Simpson moved that the vote by which the Senate previously passed the bill:

H. 963. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama permitting certain school districts in Lawrence County, Alabama, to levy and collect for school purposes a tax of three mills in addition to all taxes now authorized.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, to-wit: Enon School District, Hendon School District, Oakville School District, Cave Springs School District, Center School District, Piney Grove School District, Shiloh School District and Speake School District in Lawrence County, Alabama, shall each have the right and power by vote of a majority of the qualified electors of such district at an election held for that purpose to levy and collect for the purpose of ac-

quiring, constructing or repairing of school buildings in such districts or paying for school buildings already built, a tax of not over three mills in any one year, in addition to all other taxes now authorized by law. The election in such districts to determine whether or not such tax shall be levied shall be called, held and conducted as now provided by law for calling, holding and conducting of elections to determine whether or not a three mills district school tax shall be levied and collected.

Section 2. This amendment shall be submitted to the qualified electors of the State on the first Tuesday following the expiration of ninety days after the final adjournment of the Legislature.

Be reconsidered, which motion prevailed and said vote was reconsidered.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Swift
Browder	Kelly	Russell	Taylor
Chesnut	Kuykendall	St. John	Thomas
Cook	Locke	Simpson	Tucker
Dorsey	Mixon	Starnes	Walden
Fletcher	McDowell	Stephens	Woodall
Frazer	Parrish		

—26

Nays:—None.

And on motion of Mr. Simpson the vote by which said H. 963 was ordered to engrossment and third reading was reconsidered.

Mr. Simpson then offered the following amendment to said H. 963, to-wit:

Amend the caption of said bill by adding thereto the following:

To provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

Amend Section 2 of said bill so the same shall read as follows:

This amendment shall be submitted to the qualified electors of the State on the First Tuesday after the expiration of three (3) months from and after the final adjournment of the present session of the Legislature.

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Chesnut	Dorsey	Frazer
Browder	Cook	Fletcher	Glover

Goldsmith	McDowell	Simpson	Thomas
Kelly	Parrish	Starnes	Tucker
Kuykendall	Rogers (Mobile)	Stephens	Walden
Locke	Russell	Swift	Woodall
Mixon	St. John	Taylor	

—27

Nays:—None.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:			
Bonner	Frazer	Parrish	Swift
Browder	Glover	Rogers (Mobile)	Thomas
Carlton	Kelly	Russell	Tucker
Chesnut	Kuykendall	St. John	Walden
Cook	Locke	Simpson	Wellborn
Dorsey	Mixon	Starnes	Woodall
Fletcher	McDowell	Stephens	

—27

Nays:—None.

RECONSIDERATION OF VOTE

Mr. Simpson moved that the vote by which the Senate previously passed the bill:

H. 967. A bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at an election to be held when the first general election on any question is submitted to the legal voters of Alabama, but said election not to be held within three months from and after the final adjournment of the present regular session of the 1935 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Calhoun, and Tuscaloosa; and, whereby all Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable or purporting to be applicable to any or all of said Counties, and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified

voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in the following named counties: Calhoun, and Tuscaloosa. All Acts of the Regular Session of the Legislature 1935, heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix the compensation of said named county officers, on a salary basis, are hereby validated and confirmed."

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least eight successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held when the first general election on any question is submitted to the legal voters of Alabama, but said election not to be held within three months from and after the final adjournment of the present regular session of the 1935 Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? 'The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation or consolidate any of said offices in the following named counties: Calhoun, and Tuscaloosa. All Acts of the Regular Session of the Legislature of 1935, heretofore passed and

applicable, of purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix, the compensation of said named county officers, on a salary basis, are hereby validated and confirmed.' Yes..... No..... " The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Be reconsidered, which motion prevailed and said vote was reconsidered.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Russell	Taylor
Browder	Glover	St. John	Thomas
Carlton	Kelly	Simpson	Tucker
Chesnut	Kuykendall	Starnes	Walden
Cook	Mixon	Stephens	Wellborn
Dorsey	McDowell	Swift	Woodall
Fletcher	Rogers (Mobile)		

—26

Nays:—None.

And on motion of Mr. Simpson the vote by which said H. 967 was ordered to engrossment and third reading was reconsidered.

Mr. Simpson then offered the following amendment to said H. 967, to-wit:

Amend the caption and body of House Bill No. 967 as follows:

Strike out the following words in said caption: "when the first general election on any question is submitted to the legal voters of Alabama, but said election not to be held within three months from and", and substitute in lieu thereof the following: "on the First Tuesday after the expiration of three months".

Amend Section 3 of said bill as follows:

Strike from said section the following words: "when the first general election on any question is submitted to the legal voters

of Alabama, but said election not to be held within three months from and", and substitute in lieu thereof the following: "on the First Tuesday after the expiration of three months".

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Parrish	Stephens
Browder	Glover	Rogers (Mobile)	Swift
Carlton	Kelly	Russell	Taylor
Chesnut	Kuykendall	St. John	Thomas
Cook	Locke	Simpson	Walden
Dorsey	Mixon	Starnes	Woodall
Fletcher	McDowell		

—26

Nays:—None.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Swift
Browder	Kelly	Russell	Taylor
Chesnut	Locke	St. John	Thomas
Cook	Mixon	Simpson	Walden
Dorsey	McDowell	Starnes	Wellborn
Fletcher	Parrish	Stephens	Woodall
Frazer			

—25

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Lusk:

H. J. R. 463. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

WHEREAS, certain proposals have been heretofore submitted to the Legislature to amend the constitution in certain particulars therein named, and

WHEREAS, the Legislature has proposed such amendments to the Constitution by having the same read in each house on three several days, and

WHEREAS, upon the third reading of each of said of said proposals more than three-fifths of the members of each house voted in favor of each of said proposed amendments, and

WHEREAS, the Governor of the State has called to the attention of the Legislature by a written message that the Legisla-

ture in said proposals has ordered elections upon different dates, and has called attention to a clerical omission in reference to numbering some of said proposals, and

WHEREAS, it is in the interest of the State that it be saved from the expenses of several elections on said proposals and that all of such elections be held on the same day and that the suggestion of the Governor be carried out;

NOW THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring:

First: That the Legislature does hereby accede and concur with said suggestions of the Governor.

Second: That it does hereby now order and direct that an election be held by the qualified electors of the State upon said amendments as previously proposed by House Bills 408, 499, 814, 963 and 967, and each of them, on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature.

Also:

By Mr. McDermott:

H. J. R. 461. Be it resolved by the House, the Senate concurring, that Senate Bill No. 181 be officially designated and hereafter known as the Walton-Norman of Bullock Bill.

Also:

By Mr. Hendley:

H. J. R. 462. Be it resolved by the House, the Senate concurring, that House Bill No. 913 be known as the Taylor-Riddle Bill.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 463, set out in the foregoing Message from the House, was concurred in and adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Fletcher	McDowell	Starnes
Browder	Glover	Parrish	Stephens
Carlton	Kelly	Rogers (Mobile)	Swift
Chesnut	Kuykendall	Russell	Thomas
Cook	Locke	St. John	Walden
Dorsey	Mixen	Simpson	Woodall

—24

Nays:—None.

H. J. R.'s 461 and 462, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President :

The Speaker of the House having signed the following House bills, your signature thereto is requested :

H. 409. To regulate the business and trade of plumbing in all counties of this State having a population of 80,000 or more according to the last or any subsequent Federal Census, to create a board to be known as the board of plumbers examination and registration of Alabama; to provide for the appointment of the members of said Board of Plumbers Examination and Registration of Alabama, and to provide for the appointment of successors of the members thereof and for the organization of said board and for the remuneration of the members and officers thereof; to specify the powers and duties of said Board of Plumbers Examination and Registration and provide the ways and means of collecting funds for its maintenance and functioning; to define the terms "Plumbing" "Master Plumber" and "Journeyman Plumbers" for the purposes of this Act; provide for the examination, registration and licensing of master plumbers and journeyman plumbers engaged, engaging or desiring to engage in the business or handicraft of plumbing within such counties and fix the fees to be assessed of applicants for examination, registration and licensing of such master plumbers or journeyman plumbers and for the renewals of such registration and licenses; to authorize and empower said Board of Plumbers Examination and Registration of Alabama to conduct investigation and hearings of and concerning violations of this Act and to grant unto said Board of Plumbers Registration and Examination the power and authority to revoke after hearing, any licenses issued by said board on account of any violations of violation of any provision or provisions of this Act by any master plumber of journeyman plumber who may violate any of the provisions of this Act and to provide further penalties for any violation or violations of the provisions of this Act, and to provide for appeal to the various circuit courts of Alabama by any aggrieved person from any order, ruling, decree or revocation of such license by said Board of Plumbers Examination and Registration of Alabama and to provide for a seal and its use by said board; and also to repeal all laws in conflict herewith.

Also:

H. 583. To amend section 8 of an Act entitled "An Act creating and Establishing Juvenile Courts in all Counties of the State of Alabama now having or which shall hereafter have a popula-

tion according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said Courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment thereof; providing for the transfer of certain cases to said Juvenile courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one half of the expenses arising out of the operation of said courts, and for the protection of said children against disqualification or prejudice in other courts in the civil service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws," approved September 9, 1927, as amended by an Act approved April 21, 1931, so as among other things to amend the title and section 1 thereof, and as further amended by an Act approved April 17th, 1933.

Also:

H. 911. To provide for a public corporation for the purpose of constructing or causing to be constructed public roads and bridges in this State; to prescribe its powers and duties and to provide for the raising of necessary funds for such purpose and

to provide for the payment of the cost of construction of such roads and bridges and to borrow money and match Federal funds for public work construction and to issue bonds, warrants, assignments, transfers or securities and to contract with the State Highway Commission of Alabama, the Public Works Administration and any other branch of Federal Government or other authorities necessary to carry out the purposes of this Act.

Also:

H. 932. To authorize the Circuit Courts in counties having a population of 300,000 or more according to the last or any future Federal Census, to make such orders and rules concerning proceedings in causes of like nature or relative to the same question as may be conformable to the usages of Courts for avoiding unnecessary costs or delay in the administration of justice, and to authorize said courts to consolidate said causes when it appears reasonable to do so.

Also:

H. 934. To provide for and regulate the mode of selecting and impanelling juries in all criminal and quasi criminal cases in circuit courts in counties having a population of 300,000 or more according to the last or any future Federal census.

Also:

H. 881. To promote the efficiency of the paid Fire Department of the City of Mobile, to provide a two platoon system in said City for said fire department, and to define the conditions under which the same shall be operated; to provide power and authority for the City Commissioners in case of serious conflagration, riot or other emergency, to provide for the granting of vacations with pay to said members of said Fire Department; to provide for the manner and notice of hearing charges preferred against members in said Fire Department of the City of Mobile; to provide for full power in said City Commission to make rules and regulations not in conflict with this act; and to provide for the repeal of any law, or laws, or parts thereof, or of any City Ordinance or Fire Department rules or regulations or parts thereof which are contrary to the provisions of this Act.

Also:

H. 960. To amend Sections 20 and 23 of an Act approved September 6th, 1927, entitled: "An Act, Relating to dependent, neglected or delinquent children in all counties of Alabama which have a population of as many as Two Hundred Thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter, and which counties now have, or which counties shall hereafter have a Juvenile and Domestic Relations Court; to define who

are dependent, neglected or delinquent children; to declare that such children shall be wards of the Juvenile and Domestic Relations Courts of such counties; to provide for their protection, guardianship, custody, care, supervision, discipline, and generally for their welfare; to confer upon such Juvenile and Domestic Relations Courts in such counties original and exclusive jurisdiction and authority to adjudicate and enforce all questions and matters arising under or provided for by the terms of this Act, and to confer upon such courts full power and authority to try and determine all such questions; or which may be otherwise referred to them by law; for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this Act; to confer upon such courts authority to make rules and regulations, and to devise and have printed, such records and forms, where not otherwise provided for under the terms of this Act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the Detention Home or Parental School, or for the conduct of probation officers, or their work as provided for in this Act; to create and provide for Advisory Boards to such courts, and to define their duties; to make it a misdemeanor by act, or omission or otherwise to aid, abet, cause, connive at or contribute to the dependency, neglect, or delinquency of such children, in such counties, or to conceal or otherwise interfere with the custody of such children, or to interfere with or obstruct probation officers in the discharge of their duties, and in certain contingencies for injunction in such cases, and to provide for the trial and punishment of such offenders; to provide for investigations by probation officers, and the effect of their reports as evidence; to provide for the taking and enforcement of recognizances when same are made by a minor with adults as sureties; to provide that all proceedings under the terms of this Act in dealing with the children described herein shall be in equity, and civil in their nature, and to regulate same; to provide for the trial of any delinquent child as defined by this Act, in a criminal court of competent jurisdiction, when the court after investigation or trial is convinced that such child cannot be made to lead a correct life under the discipline provided for such delinquent under the terms of this Act; to provide that under certain contingencies male children between sixteen and eighteen years of age shall be dealt with as delinquents; to provide for the establishment and maintenance of a Detention Home or Parental School and for the appointment and compensation of probation officers, and for other expenses incident to the purposes of this Act; to provide for the appointment of Referees, and to define their powers and duties; to declare when

this Act shall take effect, that should any part of this Act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws inconsistent or in conflict with this Act:

Also:

H. 979. For the relief of S. H. Smith, Clerk of the Circuit Court of Mobile County, Alabama, from certain irregularities charged against him in an audit made by the Examiner of Accounts for the State of Alabama and submitted to the Governor of the State of Alabama on to-wit December 17th, 1934.

Also:

H. 1012. To provide for the election of three school district trustees in the several school districts of Henry County, Alabama, by the bona fide patrons of said districts and who reside therein; to provide for the holding of such elections by and under the supervision of the County Superintendent of Education of Henry County; to fix the term of office of said school trustees and the election of their successors; and to provide for filling vacancies in such office; to prescribe their duties, powers and authority as such trustees in the several school districts of the County; and to repeal all laws and parts of laws in conflict with the provisions and purposes of this Act:

Also:

H. 1017. To provide for the payment of publication of notice of intention to introduce a local bill in the legislature.

Also:

H. 1056. To provide that in all Counties in the State of Alabama having a population of 110,000 and not more than 300,000 according to the last or any subsequent Federal Census that it shall be unlawful to buy, sell or otherwise transfer cattle without a bill of sale, describing said cattle, and the mark or brand of same set out therein and signed by the person selling or transferring same, and to provide for the penalty for violation of this act.

Also:

H. 1057. To amend Sections II, III, V and VI of an Act entitled "An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof," which became a law July 24, 1931, under Section 125 of the Constitution.

Also:

H. 1059. To abolish the office of Deputy Solicitor of Pickens County, Alabama, to fix the time when such office shall be abol-

ished and to provide that such act shall not affect any general, special or local laws except as herein provided for.

Also:

H. 1060. To create the office of County Solicitor of Pickens County, Alabama, to provide for the election of such officer by the qualified voters of said County, to prescribe his powers, duties and qualifications, to provide for his compensation, fix the term of his office, provide for his election, the time of the election of his successors in office and to repeal all general and local laws in conflict therewith so far as they relate to said Pickens County.

Also:

H. 1065. To fix the salary of the Judge of Probate of Calhoun County and to provide for clerical assistance and other expenses of said office to fix the salary of Tax Collector of Calhoun County, and to provide for clerical assistance and other expenses of said office; to fix the salary of the Tax Assessor of Calhoun County, and to provide for clerical assistance and other expenses of said office; to require each of said officers to collect all the fees, compensations, and allowances, heretofore collected by said officers and which may hereafter be collected by said officers, and cover same into the County Treasury on or before the fifth day of each month, and to provide for the payment of the salary, clerical assistance, and other office expense by the Treasurer of the County.

Also:

H. 1066. To repeal an Act entitled an Act "To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election", and to abolish the office of County Treasurer as provided in the said Act, approved February 7, 1923, to take effect on the first Monday after the second Tuesday in January, 1937, when the term of the present incumbent of said office expires.

Also:

H. 1064. To create a Purchasing Agency for Calhoun County, Alabama, To be composed of the President of the Board of Revenue of said County, whose duties shall be to purchase books, stationery, blanks, machinery, supplies, materials, appliances and equipment for the several County offices, jails, court houses, almshouses, public roads and bridges of said county, and to define the powers and duties of said Purchasing Agency.

Also:

H. 1072. To repeal an Act entitled "An Act to amend an act entitled: 'An Act abolishing the Court of County Commissions of Marshall County, creating a Board of Revenue of Marshall County,

providing for the selection, nomination and election of the members of the said board; their compensation and manner of payment; fixing their powers and duties; the term of their office and providing that this Act shall go into effect upon its approval, approved August 27, 1927," approved January 16, 1931.

Also:

H. 1069. To further provide for safeguarding of public monies in the hands of Tax Collectors, County Treasurers, and County Treasurers of School Funds, in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census; and in accomplishment of said purposes to require official bonds to be given and executed by said officials; to prescribe the conditions of such bonds; to provide for the amount of such bonds to be fixed and prescribed by the County Commission or like governing body of such counties; to provide for sureties thereon; to provide payment of premiums therefor; to provide for depositaries to be appointed by the County Commission or like governing body of such counties, in which such monies coming into the hands of such officials may be deposited; to provide for the liability of said officials and their bonds and sureties arising out of the deposit of public funds in depositaries so appointed; to provide for Tax Collectors in such counties making reports and disbursements and remittances of their funds; to repeal all laws or parts of laws in conflict with the provision of this Act; and to provide that if any section or part of section of this Act shall be declared unconstitutional then the remaining sections or parts of sections of this Act shall not be affected thereby.

Also:

H. 1073. To establish a Board of Revenue for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; To fix the number of the members thereof, and fix the districts of said Board; to relieve the Judge of Probate of his duties as Chairman of the Board of Revenue; to provide for the appointment and election of the members of said board, to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a Chairman thereof; and fix his duties, powers, compensation and term of office; to provide for the selection and appointment of a bookkeeper-clerk for said board, and to fix his term of office, powers, duties and compensation, and to provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

Also:

H. 958. TO PROVIDE FOR AND ESTABLISH in each and all counties of this State which now have a population of Two Hundred Thousand People, or more, according to the last Federal census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a court to be designated the Juvenile and Domestic Relations Court; to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper, or convenient for the exercise thereof; to regulate same; to provide for a Judge of such courts, his term of office, and compensation; to provide for a Solicitor and for his compensation; and for such other officers and employees as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for officials of said court, their term of office and duties; to provide for and regulate the procedure of such courts, to authorize the Judge of said courts to determine the form of the records, and adopt rules of procedure therein, where not otherwise provided for in this Act; to provide for appeals from said courts and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the Circuit Courts, and other courts in such counties; to provide for any section, paragraph, or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 948. To amend Section 2 of an Act of the Legislature of Alabama approved October 28th, 1932, entitled an Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1932; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles op-

erated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act. And to exempt motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school, or while being used for any school purpose or any public or community purpose at the direction of or by authority of the Superintendent of Education having supervision over the school or schools regularly served by such motor vehicles, from any license tax or registration fees as a contract carrier or common carrier or jitney bus.

Also:

H. 889. To amend Section 28 of an Act, entitled "An Act to create a Pilotage Commission to be known as The State Pilotage Commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act and to repeal all laws in conflict therewith," approved March 4, 1931.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 348. To exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama, and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed.

S. 402. To provide aid to dependent children, to authorize the State Department of Public Welfare to administer such aid, to authorize the county departments of public welfare to administer such aid, under the supervision of the State Department of Public Welfare, in the several counties, to authorize the County Board of Revenue or Court of County Commissioners or other governing body of the county to appropriate funds for aid to dependent children, and to authorize the State Department of Public Welfare to reimburse said counties for one-half of the sum so expended in the several counties under certain conditions.

S. 429. For the relief of the people of the Town and Community of Kennedy, in Lamar County, Alabama, composing Kennedy School District No. 1.

S. 427. To continue the investigation of water resources of the State and to authorize the State Geologist to enter into contracts with the United States Government, or departments thereof, for cooperative action in collecting and publishing information and to make an appropriation therefor.

S. 410. To more effectively provide for the supervision, inspection and regulation by Alabama Public Service Commission, in the public interest, of transportation companies, and of their rates, fares and charges, service, facilities, practices, rules and regulations and to provide for the payment of supervision and inspection fees by such transportation companies.

S. 398. To provide for the revision and codification of the general laws of Alabama relating to education.

S. 77. To provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical industries; to create a Commission for the adminis-

tration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act.

S. 406. To provide authority for the State Board of Education and/or the trustees of all State Institutions, where education is a part of the program of the Institution, to borrow money from Federal Agencies for the erection of buildings, beautification of grounds, and the erection and maintenance of swimming pools at the several State Institutions; to authorize the issuance of bonds, warrants or other evidences of debt for the repayment of the amount borrowed with interest at a rate not to exceed four per cent semi-annually, and to pledge therefor the fees from students to be levied by the Institution for which the money is borrowed, and any other moneys not appropriated by the State to said Institution; to make such bonds, warrants or other evidences of debt not an obligation of the State and not payable out of any moneys provided by the State.

S. 422. To amend Section 1 of an Act entitled, "An Act to amend Sections 989, 992, 995, 1005, and 1007 of the Code of Alabama of 1923", approved February 5, 1935.

S. 407. Relating to and regulating the manufacture, sale, possession, control, prescribing, administering, dispensing, compounding, mixing, cultivation and growth of narcotic drugs.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills:

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Goolsby:

H. J. R. 459. Be it resolved by the House of Representatives the Senate concurring that Senate Bill No. 424 be known as the Chesnut-Braswell-Jones bill.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 459, set out in the foregoing message from the House, was concurred in and adopted.

MESSAGE FROM THE GOVERNOR

To the Senate of the State of Alabama,
State Legislature,
Montgomery, Alabama.
Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 413 without my approval.

I suggest the following executive amendment, which if adopted will cure the defects in the bill:

Amend Section 2 of said bill by striking therefrom the following:

"He shall retain the present employees of said Commission until such time as he shall deem it proper to reorganize the staff of such employees, as he may find proper in the administration of the law."

And substituting in the place of the part just quoted the following:

"There being no employees of the Securities Commission at this time, the Attorney General is vested with the authority to reorganize such department in such a manner as is now provided by law."

Respectfully,

(Signed) BIBB GRAVES,
Governor.

September 13, 1935.

GOVERNOR'S MESSAGE

On motion of Mr. Locke, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 413. To impose all the duties of the State Securities Commission of Alabama under existing law and all the duties of the Superintendent of Banks of this State, as such State Securities Commission, upon the Attorney General of Alabama; and to invest in the Attorney General of Alabama all the authority, rights, privileges and immunities of said State Securities Commission, and of the Superintendent of Banks of this State, as such State Securities Commission; and to provide that on and after the effective date of this Act the State Securities Commission shall be composed of the Attorney General of Alabama; and to provide that the State Securities Commission shall have its office in the office of the Attorney General of this State.

Said amendment being set out in the foregoing message from His Excellency, the Governor.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Carlton

Chesnut
Cook
Dorsey

Fletcher
Kelly
Kuykendall

Locke
Mixon
McDowell

Parrish	Simpson	Taylor	Walden
Rogers (Mobile)	Starnes	Thomas	Wellborn
Russell	Stephens	Tucker	Woodall
St. John	Swift		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended, by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Keily	Russell	Taylor
Browder	Kuykendall	St. John	Thomas
Carlton	Locke	Simpson	Tucker
Cook	Mixon	Starnes	Walden
Dorsey	McDowell	Stephens	Wellborn
Frazer	Parrish	Swift	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

RESOLUTION

Mr. Chesnut offered the following Senate Resolution:

S. R. 128. Whereas, new legislative enactments and new economic measures looking to the relief of the impoverished masses of our population will be successful just insofar as they begin with the Christian culture of the children of our land; and

Whereas, the Legislature of the State of Alabama has taken steps to insure employment for the unemployed and social security for the constituents of this great commonwealth through enactment of the greatest "human welfare" program in the history of this State; and

Whereas, it is soon to be confronted with the task of placing Alabama's educational system on a permanent substantial foundation that will guarantee for each child every advantage to be obtained from a normal public school education; Now, therefore, be it resolved:

That the people of Alabama be enjoined to at once address themselves to renewed effort to restore the balance between the spiritual and the material that our children may be reared up in the precepts of fundamental righteousness;

That the churches and Sabbath schools be constrained to intensify their work and to extend it to every child within their respective spheres of influence;

That parents be adjured to exert every effort to restore the old-time influence of the home in moulding the lives of their children, for the development of conscience and morality; that the family altar be restored and that in self-sacrificing love the little ones be trained in the simple virtues of truthfulness, honesty and respect for the rights of others;

And that the schools promptly reform their methods so that rudimentary studies, as well as the sciences, be taught only as subordinate to righteousness. That the emphasis be placed upon morality, good conscience, respect for parents and teachers, reverence for age and experience, and that all learning is but the hand-maid of eternal goodness. For only upon the lines herein suggested can the true balance be restored and the crime wave checked and civilization preserved.

And on motion of Mr. Chesnut, the Rules were suspended and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Dr. Street:

H. 505. To amend Section 1193 of the Code of Alabama of 1923, as amended by the General Acts of the Legislature of Alabama of 1931, page 542, approved July 17th, 1931.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama.

Gentlemen:

I return herewith to you, the body in which it originated, House Bill No. 505 without my approval.

I suggest the following executive amendment, which if adopted will remove my objection to the bill:

Amend the bill by adding thereto at the end thereof the following words:
"Provided, however, that none of the provisions herein contained shall effect any nurse now in training".

Respectfully,
(Signed) BIBB GRAVES,
Governor.

September 13, 1935.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill H. 505, by

a vote of a majority of the whole number elected to the House, said vote being: Yeas, 79; Nays, 0.

And said bill, H. 505, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 79; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Rogers of Mobile, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 505, the title of which and said proposed amendment, is set out in the foregoing message from the House.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	McDowell	Stephens	Wellborn
Fletcher	Parrish	Swift	Woodall
Frazer			

—29

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, H. 505, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Wellborn
Dorsey	McDowell	Stephens	Woodall
Fletcher	Parrish	Swift	

—27

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the following House bill:

By Mr. Lusk:

H. 769. To authorize, provide for and regulate a non-profit corporation for the establishment, maintenance and operation of a plan for hospitalization of citizens of Alabama in hospitals approved by the Alabama Hospital Association and the State Board of Censors of the Alabama Medical Association.

Said Conference Report being in words and figures as follows:

To the President of the Senate and the Speaker of the House of Representatives:

We, your Committee of Conference on the disagreement of the two Houses on the Senate Amendments to House Bill No. 769:

To authorize, provide for and regulate a non-profit corporation for the establishment, maintenance and operation of a plan for hospitalization of citizens of Alabama in hospitals approved by the Alabama Hospital Association and The State Board of Censors of the Alabama Medical Association.

Respectfully submit the following report:

We recommend:

(1) That the Senate recede from its amendment No. 2 by Parrish, adopted September 13, 1935, to the bill which is as follows:

"Amend Section 6 of House Bill 769 by adding thereto the following words: 'But in all instances where the patients who hold policies issued by the Alabama Hospital Association, and who do not care to go to the hospital designated in said policy, that said association shall pay to any physician designated by the holder of said policy an amount equal to the daily or monthly room rate charge in said hospital'."

(2) That the House concur in the Senate Amendment No. 1 to said bill by Kelly, adopted September 10, 1935.

We respectfully recommend the adoption of this report and the final passage of the bill as thus amended.

Respectfully submitted,

(Signed) G. W. COOK,

J. A. SIMPSON,

On the part of the Senate.

(Signed) JOHN A. LUSK, Jr.

T. H. STREET,

R. L. HILL,

On the part of the House.

And said bill, H. 769, as amended by the Report of Committee of Conference was again read a third time at length and passed.

And said bill, H. 769, together with the Report of the Committee of Conference, is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

Mr. Kelly moved that the Senate concur in the report of Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 769, the title of which and said Conference Report is set out in the foregoing Message from the House.

Mr. Parrish moved to table the motion to concur, which motion was lost.

Yeas, 12; Nays, 16.

Yeas:

Messrs.:

Carlton	Fletcher	Locke	Russell
Chesnut	Frazer	Mixon	Starnes
Dorsey	Kuykendall	Parrish	Taylor

—12

Nays:

Messrs.:

Bonner	Kelly	Stephens	Walden
Browder	Rogers (Mobile)	Swift	Walton
Cook	St. John	Thomas	Wellborn
Glover	Simpson	Tucker	Woodall

—16

And the motion of Mr. Kelly to concur in said Conference Report then prevailed and said Conference Report was then concurred in.

Yeas, 20; Nays, 8.

Yeas:

Messrs.:

Bonner	Glover	St. John	Tucker
Browder	Kelly	Simpson	Walden
Carlton	Kuykendall	Stephens	Walton
Chesnut	Rogers (Mobile)	Swift	Wellborn
Cook	Russell	Thomas	Woodall

—20

Nays:

Messrs.:

Dorsey	Frazer	Mixon	Starnes
Fletcher	Locke	Parrish	Taylor

—8

And said bill, as thus amended by the Conference Report, was again read a third time at length and passed.

Yeas, 23; Nays, 6.

Yeas:

Messrs.:

Bonner	Glover	Russell	Tucker
Browder	Kelly	St. John	Walden
Carlton	Kuykendall	Simpson	Walton
Chesnut	Mixon	Stephens	Wellborn
Cook	McDowell	Swift	Woodall
Fletcher	Rogers (Mobile)	Thomas	

—23

Nays:
Messrs.:
Dorsey
Frazer

Locke
Parrish

Starnes

Taylor

—6

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 376. To permit the playing of tennis, golf, baseball and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in cities of the State which now have or may hereafter have a population of not less than Eighteen Thousand inhabitants nor more than Forty Thousand inhabitants, according to the last or any subsequent Federal Census and within the police jurisdiction thereof; to provide that the governing body of any such city may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city, and to provide for holding of other and subsequent elections on such acts and for cost thereof.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Wellborn, the Senate concurred in the following amendment by the House to S. 376, the title of which is set out in the foregoing message from the House to-wit:

Amend S. B. 376 by striking out the words "Eighteen Thousand" where they appear in the caption and body of the bill, and insert in lieu thereof the words "Fifteen Thousand."

Yeas, 23; Nays, 4.

Yeas:
Messrs.:
Browder
Carlton
Cook
Dorsey
Fletcher
Frazer

Glover
Goldsmith
Kelly
McDowell
Rogers (Mobile)
Russell

St. John
Simpson
Starnes
Stephens
Swift
Thomas

Tucker
Walden
Walton
Wellborn
Woodall

—23

Nays:
Messrs.:
Bonner

Chesnut

Mixon

Taylor

—4

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. Wallace:

H. 369. Relating to, regulating and requiring a pre-qualification and classification of bidders on public improvements.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama.

Gentlemen:

I return herewith to you, the body in which it originated, House Bill No. 369 without my approval.

I suggest the following executive amendment, which if adopted will cure the defects in the bill:

Amend Section 5 of said Bill by striking therefrom the word "successful" where the same occurs in the following sentence in said Section 5, "All other certified checks shall within ten days after the date of the award of said contract be returned to the successful bidders who submitted the same".

Respectfully,

(Signed) BIBB GRAVES,

September 13, 1935.

Governor,

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill H. 369, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 71; Nays, 0.

And said bill, H. 369, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 71; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Carlton, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 369, the title of which and said proposed amendment, is set out in the foregoing message from the House.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	St. John	Tucker
Browder	Kelly	Simpson	Walden
Carlton	Mixon	Stephens	Walton
Chesnut	McDowell	Taylor	Wellborn
Cook	Rogers (Mobile)	Thomas	Woodall
Frazer	Russell		

—22

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Russell	Thomas
Browder	Glover	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	McDowell	Stephens	Walton
Cook	Rogers (Mobile)	Taylor	Woodall
Dorsey			

—21

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Chichester:

H. 217. To require each and every motor vehicle operated upon the city streets and public highways of Alabama to have and keep attached and plainly visible at all times on both ends of the motor vehicle a license tag as prescribed and furnished by the State Tax Commission and to prescribe the punishment for violation of this Act.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. Steele:

H. 948. To amend Section 2 on an Act of the Legislature of Alabama approved October 28th, 1932, entitled an Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1932; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State, to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act. And to exempt motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school, or while being used for any school purpose or any public or community purpose at the direction of or by authority of the Superintendent of Education having supervision over the school or schools regularly served by such motor vehicles, from any license tax or registration fee as a contract carrier or common carrier or jitney bus.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to you, the body in which it originated, House Bill No. 948 without my approval.

I suggest the following executive amendments, which if adopted will meet my objection to the bill:

Amend the title to House Bill No. 948 by adding after the words "jitney bus" the following, "and to make provision for special license tags to be provided at the expense of the State for such motor vehicle".

Further amend the bill by making the present Section 3, Section 4, and inserting for Section 3 of the bill the following:

Section 3. The State of Alabama shall provide at state expense a special license tag to be used on and to designate all motor vehicles used exclusively for the transportation of school children and school teachers to and from school, or while being used for any school purpose or any public or community purpose at the direction of or by authority of the Superintendent of Education having supervision over the school or schools regularly served by such motor vehicles. These tags shall be supplied annually upon requisition to the State Comptroller by the State Superintendent of Education, this requisition to be based upon application for such license tags made by county and city superintendents of education and approved by county and city boards of education, the application made by each superintendent to give the name and address of the operator of the motor vehicle on which the license tag is to be placed and to contain a certification that said motor vehicle will be used for the purposes designated in this act.

Respectfully,
(Signed) BIBB GRAVES,
Governor,

September 13, 1935.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill H. 948, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 76; Nays, 0.

And said bill, H. 948, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 76; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Tucker, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 948, the title of which and said proposed amendment, is set out in the foregoing message from the House.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Tucker
Browder	Kelly	Simpson	Walden
Carlton	Kuykendall	Stephens	Walton
Chesnut	Mixon	Taylor	Wellborn
Cook	McDowell	Thomas	Woodall
Dorsey	Rogers (Mobile)		

—22

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	St. John	Tucker
Browder	Kelly	Simpson	Walden
Carlton	Kuykendall	Stephens	Walton
Chesnut	Mixon	Swift	Wellborn
Cook	Rogers (Mobile)	Taylor	Woodall
Dorsey	Russell	Thomas	

—23

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Staples:

H. 331. A bill to be entitled an Act, "To submit to the qualified voters of this State, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, for their consideration an amendment to the Constitution of the State empowering the Legislature to authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and

enforceable bonded obligations of said county, existing on September 30th, 1936; providing for the adoption of an annual budget for Mobile County; providing that the expenses of such county for any fiscal year shall not exceed the revenues of the county for that year, and providing that all debts contracted or liabilities incurred by the said county in excess of such revenues shall be void; providing that the governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of Twenty-five per cent (25%) of the general revenues of such county for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the county subsequently collected for that year, and that any loan so made and not paid out of the general revenues of the county pledged to secure the same shall be void as to any amount remaining unpaid; providing that the Legislature shall not, after the adoption of such amendment, pass any law making any claim a preferred claim against said County, and annulling as to any future claim all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said county; and providing penalties for the violation of any of the provisions of such amendment."

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely: "The Legislature of Alabama may authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00 which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing on September 30th, 1936. In September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95 per cent of the gross receipts of the general fund of the preceding year for the succeeding fiscal year beginning October 1st, and the expenses of such county for any such fiscal year shall not exceed the revenues of the county for that year. All debts contracted or liabilities incurred by the said county in excess of such revenues shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-

five (25%) per cent of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof of the general revenues of the county for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the County subsequently collected for that year, and any loan so made and not paid out of the general revenues of the county pledged to secure the same shall be void as to any amount remaining unpaid. The Legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said County, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County, are hereby annulled as to any future claim. The words 'governing body of Mobile County' as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the Board of Revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this amendment shall, upon conviction, be punished by a fine not exceeding \$5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four successive weeks next preceding the date of the election hereinafter fixed of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the official ballot printed for such election shall be printed the following, namely, "Shall the following be adopted as an Amendment to the Constitution of Alabama." The Legislature of Alabama may authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00 which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing on September

30th, 1936. In September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of the preceding year for the succeeding fiscal year beginning October 1st and the expenses of such County for any such fiscal year shall not exceed the revenues of the County for that year. All debts contracted or liabilities incurred by the said County in excess of such revenues shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the County subsequently collected for that year, and any loan so made and not paid out of the general revenues of the County pledged to secure the same shall be void as to any amount remaining unpaid. The Legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said County, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County, are hereby annulled as to any future claim. The words "governing body of Mobile County" as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the Board of Revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this amendment shall upon conviction, be punished by a fine not exceeding \$5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment. Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the voter shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers for said election shall open the polls for a vote of the qualified electors of the State upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State, and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in

favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

E. E. Taylor,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 153. To amend An Act entitled An Act, approved April 17th, 1933 and found on pages 139, 140 and 141 of the General Acts of Alabama, Special Session of 1933, "To Amend Section 7 of an Act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911.

S. 181. For the protection of human beings against rabies, to require inoculation against rabies of all dogs runnings at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof.

S. 424. To Amend Sections 94, 108-113, inclusive 133, 182, 277, 281, 290, and 472 of the Alabama School Code of 1927.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

RECONSIDERATION OF VOTE

Mr. Woodall moved that the Senate reconsider the vote by which it previously tabled the Resolution:

H. J. R. 413. Expressing the opposition of the Legislature of Alabama to the elimination of railroad facilities in this State and urging the Senators and Congressmen from Alabama to use their influence with the coordinator of railroads and the President to prevent said consolidation of railroad facilities in Alabama.

Which motion prevailed and said vote was reconsidered, and said Resolution was then adopted.

Yeas, 17; Nays, 8.

Yeas:

Messrs.:

Browder
Chesnut
Cook
Fletcher
Frazer

Glover

Kelly

McDowell

Rogers (Mobile)

Russell

St. John

Simpson

Stephens

Thomas

Walton

Wellborn

Woodall

—17

Nays:

Messrs.:

Bonner
Carlton

Dorsey

Mixon

Swift

Taylor

Tucker

Walton

—8

RECESS

At 7:20 P. M., on motion of Mr. Dorsey the Senate took a recess until 9:30 tonight.

FORTY-NINTH DAY—NIGHT SESSION

Friday, September 13th, 1935.

The Senate re-assembled at 9:30 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Wellborn
Frazer	Parrish	Swift	Woodall
Glover			

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REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 376. To permit the playing of tennis, golf, baseball and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in cities of the State which now have or may hereafter have a population of not less than Fifteen Thousand inhabitants nor more than Forty Thousand inhabitants, according to the last or any subsequent Federal Census and within the police jurisdiction thereof; to provide that the governing body of any such city may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city, and to provide for holding of other and subsequent elections on such acts and for cost thereof.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House bills:

H. 814. A bill to be entitled An Act to provide and submit to the qualified electors of the State of Alabama, at an election to be held on the first Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature an amendment to the Constitution of the State of Alabama, continuing the amount of taxes which may be levied by the Governing Body of the Municipality of Attalla, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State, is hereby authorized upon such proposed amendment and the day appointed for such election is the first Tuesday next after the expiration of three months from the date of final adjournment of the present session of the Legislature at which this amendment is proposed. The amendment proposed is as follows:

(a) That the Municipality of Attalla, Alabama, through its governing body, may levy and collect from and after the date of this amendment the present rate of one per cent ad valorem tax per annum, and said amount to be devoted to the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality, but before any additional tax now authorized by law can be levied, it must be voted by a majority of qualified electors of the Municipality voting on such proposition at an election called by the governing body of said Municipality for such purposes; providing that the total tax levied for all purposes by the said Municipality of Attalla shall not exceed one per centum in any one year on the property situated therein, based on the valuation of such property as assessed for State taxation.

(b) That the adoption of this amendment shall in no wise effect, limit, modify, abridge or impair the power, authority or right of such Municipality to levy and collect the special school taxes now or hereafter vested in or conferred upon it under the Constitution or any amendment thereto.

(c) Each election held under the provisions of this amendment shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to Municipal Corporations, for elections to order the issuance of municipal bonds. The ballots used at such election shall contain the following words:

"For authorization of a continuation of taxation at a rate not to exceed one percent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality."

"Against authorization of a continuation of taxation at a rate not to exceed one percent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality."

The rate of taxation proposed shall be printed upon the ballot in the space indicated therefor and for the year or years in which the proposed rate is to apply, and the purpose or purposes for which said tax is to be used shall likewise be placed in the respective places therefor. The voter shall record his choice either for or against authorization of the proposed rate for the proposed purpose or purposes by placing a cross-mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or effect the rights of any holder of bonds of said Municipal Corporations heretofore issued. Elections in said Municipality to order the levy of such tax may be held as often as ordered by the governing body thereof, but when a proposition is submitted to the said municipality hereunder and such proposition is defeated, no second election shall be held in such municipality for one year thereafter. This amendment shall be self-operative without any additional legislation.

Section 2. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county of the State for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

H. 408. A bill to be entitled An Act to propose an amendment to Section 229 of the Constitution of Alabama to be known as Amendment Number 27, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 229 of the Constitution of the State of Alabama to be known as Amendment Number 27 is hereby proposed, and an election is hereby ordered

by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a Franchise Tax by corporations organized under the laws of this State which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations or Federal building and loan associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended, or building and loan associations organized under or authorized to do business by the laws of Alabama shall not be required to pay such a tax on their withdrawable or repurchasable shares. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least eight successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, viz: "Shall the following be adopted as an amendment to Section 229 of the Constitution of Alabama? 'Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the laws of this State, which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations or Federal building and loan associations organized pursuant to an Act of Congress known as the

Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended, or building and loan associations organized under or authorized to do business by the laws of Alabama shall not be required to pay such a tax on their withdrawable or repurchasable shares. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified.' (Yes.....) (No.....)".

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and return thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

H. 499. A bill to be entitled An Act to submit to the qualified electors of Alabama an amendment to the Constitution of Alabama authorizing Lawrence County to increase its indebtedness in a sum not exceeding \$130,000 in addition to that now authorized, for the purpose of constructing and equipping a courthouse; authorizing the issuance and sale of bonds therefor; authorizing the levy and collection of taxes on all taxable property in Lawrence County at a rate not exceeding 3 mills to pay said indebtedness; to provide that said levy and collection of taxes for said purpose shall not be continued for a period of more than 25 years from the date of the levy thereof. And to further provide for the submission of said proposed amendment to the qualified electors of the State on the first Tuesday after the expiration of three (3) months from and after the final adjournment of the present session of the Legislature:

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed by the Legislature for the consideration of the qualified electors of Alabama, namely;

Lawrence County may become indebted and may issue bonds therefor in an amount not exceeding \$130,000 in addition to that now authorized, for the construction of and equipping of a courthouse in said county. To pay said indebtedness, and interest thereon, Lawrence County may levy and collect an annual tax on all property situated therein at a rate not in excess of 3 mills. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of the construction and equipping of said courthouse hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the County Governing Body of said County; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate of taxation first shall have been authorized by a majority of the qualified electors of said county voting such proposal at an election to be called by said county governing body for said purposes to be held not less than sixty (60) nor more than (120) One hundred twenty days after the adoption of this amendment.

Section 2. "The day hereby appointed for the election upon such proposed amendment is the first Tuesday after the expiration of three (3) months from and after the final adjournment of the present session of the Legislature. On the official ballot provided for such election there shall be printed the following".

Lawrence County may become indebted and may issue bonds therefor in an amount not exceeding \$130,000 in addition to that now authorized, for the construction of and equipping of a courthouse in said county. To pay said indebtedness, and interest thereon, Lawrence County may levy and collect an annual tax on all property situated therein at a rate not in excess of 3 mills. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of the construction and equipping of said courthouse hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the County Governing Body of said County; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate

of taxation first shall have been authorized by a majority of the qualified electors of said county voting upon such proposal at an election to be called by said county governing body for said purposes to be held not less than sixty (60) nor more than One Hundred Twenty (120) days after the adoption of this amendment. (Yes_____)(No_____)

Section 3. The officers to hold such election shall be the same as provided for the general election; and the returns shall be canvassed and the proclamation of the result shall be made as is provided by general laws relating to elections on constitutional amendments.

H. 963. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama permitting certain school districts in Lawrence County, Alabama, to levy and collect for school purposes a tax of three mills in addition to all taxes now authorized. To provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, to-wit: Enon School District, Hendon School District, Oakville School District, Cave Springs School District, Center School District, Piney Grove School District, Shiloh School District and Speake School District in Lawrence County, Alabama, shall each have the right and power by vote of a majority of the qualified electors of such district at an election held for that purpose to levy and collect for the purpose of acquiring, constructing or repairing of school buildings in such districts or paying for school buildings already built, a tax of not over three mills in any one year, in addition to all other taxes now authorized by law. The election in such district to determine whether or not such tax shall be levied shall be called, held and conducted as now provided by law for calling, holding and conducting of election to determine whether or not a three mill district school tax shall be levied and collected.

Section 2. This amendment shall be submitted to the qualified electors of the State on the first Tuesday after the expiration of three (3) months from and after the final adjournment of the present session of the Legislature.

H. 967. A bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present regular session of the 1935 Legislature, for their consideration, an amendment to the Constitution of Ala-

bama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Calhoun and Tuscaloosa; and, whereby all Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable or purporting to be applicable to any or all of said Counties, and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in the following named counties: Calhoun and Tuscaloosa. All Acts of the regular session of the Legislature 1935, heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix the compensation of said named county officers, on a salary basis, are hereby validated and confirmed."

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least eight successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present regular session of the 1935 Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used

at such election shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? 'The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation or consolidate any of said offices in the following named counties: Calhoun and Tuscaloosa. All Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix, the compensation of said named county officers, on a salary basis, are hereby validated and confirmed.' (Yes_____) (No_____)." The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the following bill:

By Mr. Locke:

S. 413. To impose all the duties of the State Securities Commission of Alabama under existing law and all the duties of the Superintendent of Banks of this State, as such State Securities Commission, upon the Attorney General of Alabama; and to invest in the Attorney General of Alabama all the authority, rights, privi-

leges and immunities of said State Securities Commission, and of the Superintendent of Banks of this State, as such State Securities Commission; and to provide that on and after the effective date of this Act the State Securities Commission shall be composed of the Attorney General of Alabama; and to provide that the State Securities Commission shall have its office in the office of the Attorney General of this State.

By a vote of a majority of the whole number elected to the House, said vote being: Yeas, 69; and Nays, 0.

And said bill, S. 413, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 69; and Nays, 0.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

THE SENATE MIRROR PEEP IN AND SEE YOURSELF AS OTHERS SEE YOU

Bonner—The Desert of the Senate.

Browder—He prayed for wisdom of dress and it was granted.

Carlton—Wholly Local—Not interested further.

Chesnut—He will see to it that the Sun that kissed those Hills of Cherokee won't kiss him.

Cook—Old Axiom—"Actions speak louder than words."

Dorsey—The Oasis of the Senate.

Fletcher—The Gypsy of the Senate.

Frazer—The Senate had to have a clown and he made himself the Clown.

Glover—He modernized Grandma's satchel for baby linens into a Senator's Portfolio.

Goldsmith—The mimic of poets by hair style.

Kelly—He has supernatural understanding of all pending questions and has a toxin to offer.

Kuykendall—Attends to his business, doesn't interfere with others vice versa.

Locke—Gibraltar is a mere pebble compared to the rock on which he stands.

Mixon—He makes acquaintances without giving out any.

Mooneyham—A city slicker made from country material.

McDowell—His stock of "No's" is inexhaustible—his humor unexcellable—but the Senate must smell bad.

Parrish—The Senate Sun.

Riddle—The imaginery Floor Leader.

Rogers of Mobile—He makes Socrates appear as a moron.

Russell—Doctor—Founder of a Specific for broken hearts and dislodged affections.

St. John—The lowest paid member in the Senate; he votes twice on every question.

Simpson—The encyclopedia of the Senate.

Starnes—The mystery man—knows his business, your weakness and how to keep his distance.

Stephens—Name it School—and the taxpayer's name is Dennis.

Swift—No, he's not high-hatting—just busy.

Taylor—Missed his calling—Should teach elocution.

Thomas—Wonderful—He wears a pinch-back suit and can call a telephone number or two from memory.

Tucker—The Chesterfield of the Senate.

Walden—The highest paid member of the Senate.

Walton—The Senate' filling station—Plenty of Gas and Free Air.

Weaver—He prescribes Fish and Fowl but his choice is guineas.

Wellborn—He looks good but I expect you had better have him audited.

Woodall—Can win on Local Bills only.

SENATE MIRROR

On motion of Mr. Walden, the foregoing Senate Mirror was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 117. To submit to the qualified voters of the State of Alabama, at the general election to be held in November, 1936, for their consideration an amendment to the Constitution of the State of Alabama so as to authorize and empower the legislature from time to time by general or local laws to fix, regulate and alter the costs, fees, commissions, allowances or salary to be charged or received by the Sheriff of Mobile County, including the method or basis of his compensation.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Rogers of Mobile, the Senate non-concurred in the following amendment by the House to S. 117, the title of which is set out in the foregoing message from the House to-wit:

A BILL

Substitute for S. 117. To be entitled An Act to submit to the qualified electors of Alabama, at an election to be held for said purpose, an amendment to the Constitution of Alabama to provide for placing the Sheriff of Mobile County on a net salary basis and to provide the manner of changing the same; to provide that all allowances, commissions, costs and fees allowable by law to the Sheriff shall be paid into the County Treasury; and to provide for fixing the number and compensation of deputies sheriff and other employees of the Sheriff's Department, the manner of changing the same, and the manner of their selection and discharge; and to provide for the payment of premiums on official bonds of said officers and employees; to further provide for the payment, of the operating expenses, and all other expenses of the office of the Sheriff including the procurement of devices, equipment and transportation necessary in the investigation, detection and suppression of crime in the said county and in the performance of other duties of said sheriff; to provide for the manner of procuring said material and said funds for said purposes; to provide for the procedure for construing and interpreting this amendment; and to provide for an election to submit this amendment to the qualified electors of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered to submit to the qualified electors of the State of Alabama the proposed amendment and the day hereby appointed for such election is the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "From and after the adoption of this amendment the Sheriff of Mobile County shall be compensated upon a net salary basis. He shall receive a salary of \$7,500.00 per annum, and he shall pay into the general fund of the Treasury of Mobile County all allowances and fees (except as herein set out) collected by him as such Sheriff. He shall appoint a deputy sheriff at an annual salary of \$3,600.00. He shall appoint not more than 24 additional deputy sheriffs and office employees whose aggregate and collective salaries, to be fixed by the Sheriff, shall not exceed \$44,000.00 per annum. He shall appoint not more than five additional employees who shall serve as elevator operators, janitors and helpers in the jail and perform such other services as may be required of them by the Sheriff and whose aggregate and collective salaries, to be fixed by the Sheriff, shall not exceed \$5,000.00 per annum. All of the salaries hereinabove provided for shall be paid out of the general funds of the Treas-

ury of Mobile County upon warrants drawn by the Sheriff. All deputies, clerks and employees so appointed shall serve at the will and pleasure of the Sheriff.

The Sheriff shall be allowed a reasonable expense account each year for criminal and special investigations and incidental expenses to be issued to him upon warrants drawn by him upon the general funds of the Treasury accompanied by affidavit that such sum has been expended or pledged by him in payment of such investigations and expenses.

In cases of emergency or riot the Sheriff may appoint such additional deputies as he may deem necessary for the duration of the emergency or riot and their compensation, as fixed by him, shall be paid out of the general funds of the Treasury as the other deputies are paid, such emergency and necessity for such additional deputies to be determined by the Sheriff.

Mobile County shall pay all other expenses of the Sheriff's Department and the County Jail including telephones, telegraphs, light, heat, water; books and dockets, all stationery, typewriters, adding machines, dictaphones; all weapons, ammunition and implements for restraining unruly prisoners; all automobiles together with all fuel necessary to operate same, tires, supplies and repairs thereto; all cooking and serving equipment for the county jail, all other modern equipment for the use of the Sheriff's Department; all such supplies and equipment to be furnished by the governing body of the county upon requisition of the Sheriff. The Sheriff shall appoint the necessary dentists and physicians to treat prisoners in county jail and their compensation shall be fixed by the governing body of the county and shall be paid out of the general funds of the county treasury upon warrants drawn by the Sheriff. All legal services and legal expenses for the Sheriff's Department, including defense of actions on the official bonds of the Sheriff and/or Deputies Sheriff and employees, by attorneys selected by the Sheriff, shall also be paid for by Mobile County out of the general funds of the county upon warrants drawn by the Sheriff.

Mobile County shall pay all premiums on all official bonds required of the Sheriff, his deputies and employees.

The Sheriff shall furnish all foodstuffs used for feeding all prisoners or inmates in the jail out of his own funds and the State of Alabama shall pay to said Sheriff the same allowance for feeding state prisoners and in the same manner as may now or hereafter be provided by law and Mobile County shall pay to said Sheriff the reasonable value of the food and services used in feeding county prisoners which value may be fixed by agreement between said parties. The Sheriff may maintain and feed prisoners of the United States by agreement with its agents at any rate that said

parties may fix which money shall be paid to the Sheriff and he shall not pay to or be held accountable to Mobile County for the expenditure of such sums received either from the State, County, or United States.

The Legislature of Alabama may from time to time increase the salary of the Sheriff and the aggregate and collective amounts of salaries of his deputies, clerks, and other employees above the minimum herein set out, and may from time to time increase the number of deputies, clerks and employees to be appointed by the Sheriff and fix and provide for their compensation of such additional deputies, clerks and employees out of the Mobile County Treasury.

Such expenses and salaries shall be paid out of the Treasury in equal monthly or semi-monthly installments, as directed by the Sheriff, out of the general funds of Mobile County upon warrants drawn by the Sheriff, if in funds, and if not in funds, then shall be registered for payment when in funds.

All actions to interpret or enforce the provisions of this amendment shall be brought in the Circuit Court of Mobile County, or Court of like jurisdiction, and same shall be preferred cases. Any appeal from any decision shall go directly to the Supreme Court to be submitted for decision as a preferred case. Any expenses for legal advice or legal services upon the part of the Sheriff or deputies, clerks or employees herein provided for, for any action brought by him to enforce or interpret the provisions of this amendment shall be a charge against Mobile County in the same manner as provided for other legal advice and legal services elsewhere in this amendment.

The adoption of this amendment shall not be construed to affect or abrogate the following Acts now in force relative to the Sheriff's Department of Mobile County, viz: Local Acts, Extra Session 1932, pages 23, 32 and 33, and General Acts 1931, page 66, or any amendments thereto.

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper in each county in this State once a week for four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held the qualified electors shall vote upon such proposed amendment and upon the official ballot provided for such election there shall be printed the amendment as hereinabove set out and below the words "Yes..... No.....". The choice of the electors shall be indicated by a cross-mark placed opposite the word expressing his or her desire.

Section 4. Officers of such election shall be appointed and the election shall be held in all things in accordance with the law gov-

erning general elections. The votes cast thereat shall be canvassed, tabulated and return thereof made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election voted in favor of the same, then such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	McDowell	Stephens
Browder	Glover	Rogers (Mobile)	Swift
Carlton	Kelly	Russell	Thomas
Chesnut	Kuykendall	St. John	Tucker
Cook	Locke	Simpson	Walden
Dorsey	Mixon	Starnes	Wellborn
Fletcher	Mooneyham		

—26

Nays:—None.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 413. To impose all the duties of the State Securities Commission of Alabama under existing law and all the duties of the Superintendent of Banks of this State, as such State Securities Commission, upon the Attorney General of Alabama; and to invest in the Attorney General of Alabama all the authority, rights, privileges and immunities of said State Securities Commission, and of the Superintendent of Banks of this State, as such State Securities Commission; and to provide that on and after the effective date of this Act the State Securities Commission shall be composed of the Attorney General of Alabama; and to provide that the State Securities Commission shall have its office in the office of the Attorney General of this State.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of

the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 162. To amend Section 334, Schedule 1, Subsection 31, of the Compiled Revenue Code of Alabama, and the Act approved July 22, 1927, entitled "In reference to and to further provide for the general revenue of the State of Alabama and published as Section 19, at page 160 of the Acts of 1927, as further amended by an act approved July 30, 1931, entitled "An Act to amend Section 19 of the Revenue Act of 1927," which said amendment appears at page 812 of the published General Acts of Alabama of 1931, by exempting from the privilege or license tax for the operation of automotive vehicles imposed by said revenue law all passenger vehicles owned and operated by the Federal Government or by officers and enlisted men actually serving in the United States Army who are assigned by the War Department as Instructors and/or Sergeant-Instructors with the National Guard of Alabama and all commissioned officers of the Active National Guard of Alabama.

Also:

H. 991. To empower municipal corporations to provide for, regulate and restrict the segregation of business, industrial and residential sections, the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the distance of buildings from streets, alleys or other public ways, the distance between buildings, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a Zoning Commission, and the power, jurisdiction and authority thereof; to provide for a board of Zoning Adjustment and define the authority, powers and functions of such board of Zoning Adjustment, its procedure and appeal from its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this Act.

Also:

H. 635. For the Relief of Frank M. Barry and to appropriate for this purpose the sum of \$86.54 out of any money in the State Treasury, not otherwise appropriated, in order to reimburse the

said Frank M. Barry for an overpayment made by the said Frank M. Barry to the State Treasury through the Probate Judge of Colbert County, Alabama, in redeeming certain property sold for state and county taxes in the year 1932.

Also:

H. 706. To amend Section 5076 of the 1923 Code of Alabama.

Also:

H. 1044. To define "Hospital Executives" and to provide for registration of the same.

Also:

H. 832. To amend Section 6767 of the Code of Alabama, 1923.

Also:

H. 834. To amend Section 251 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

H. 992. To provide for city and regional planning, the creation, organization and powers of planning commissions, the personnel, powers and duties, the financial and legal status and its relation to Zoning. The regulation of subdivisions of land. The acquisition of right to keep planned streets free from buildings, compensation, appraisal and appeals and to provide penalties for violating this act.

Also:

H. 880. To amend Section 252 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

H. 64. To amend Sections 9, 14 and 15 of an Act approved July 10, 1931, entitled: "An Act to protect the public health and welfare, to provide for the construction, maintenance and operation of hospitals and sanatoria for the treatment of tuberculosis, and to make appropriations for the building and maintenance of same".

Also:

H. 751. To prohibit the use of hoop nets, fish baskets and certain other fishing devices in artificially impounded public waters of this State, and in the public waters within one mile below any lock or dam; to prohibit the sale of bass, commonly called trout or green trout, within the State of Alabama, regardless of where taken; to provide for penalties for violations of this Act; to make the possession of prohibited fishing devices on, at or within one-half mile of such waters or on a boat on the waters in which the use of such devices is prohibited a violation of law; to provide for the confiscation of prohibited devices; and to repeal all laws or parts of laws in conflict with this Act.

Also:

H. 471. To amend Section 1943 of the Code of Alabama of 1923, relating to appeals by defendants in City cases.

Also:

H. 835. To amend Section 269 of an act entitled "An Act to provide for the general revenue of the State of Alabama, approved July 10th, 1935.

Also:

H. 708. To amend Section 1938 of the Code of Alabama of 1923.

Also:

H. 709. To amend Section 1950 of the Code of Alabama of 1923.

Also:

H. 501. To repeal an Act entitled, "An Act to Prohibit the State of Alabama, the State Docks Commission, or any other agency or commission of the State, from granting any exemption from any State, county or municipal taxation; and to modify or repeal any Act or Acts contrary to the Provisions hereof." Approved August 4, 1931.

Also:

H. 613. To amend Sections 1 and 3 of an Act approved September 9, 1927, amending Sections 1754, 1757, 1760 and 1894 of the Code of Alabama of 1923.

Also:

H. 859. To provide for the Attorney General Supplying to the Probate Judges of the several Counties of the State, copies of his written opinions, in pamphlet form, each month.

Also:

H. 976. To amend Section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled, "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923" approved August 20, 1927.

Also:

H. 761. To give to the State Docks Commission full power to establish a Foreign Trade Zone as defined by the Laws of the United States, and to give the said Commission power to comply with the Laws, Rules and Regulations prescribed by the Federal Government for the establishment of such zones.

Also:

H. 532. To amend the Code of Laws for the State of Alabama, known as the "Agricultural Code of Alabama", of 1927, adopted as the Code of Laws for the State of Alabama, prepared in accordance with the provisions of the Act approved February 18, 1927, (H. 273 Goode) by the Act of the Legislature approved August 24, 1927, which pertains to Agriculture and Industries, the Department of

Agriculture and Industries, the Commissioner of Agriculture and Industries and the State Board of Agriculture, and relating subjects, as follows: Amending Section 124 of Article Sixteen, pertaining to Commercial Feeds; amending Section 168 of Article Eighteen, pertaining to Insecticides and Fungicides; and, amending Section 217 of Article Twenty-three, pertaining to Suspension From Sale, Seizure by Writ of Attachment, and Authority to Collect and Analyze Samples; and, providing the repeal of laws and parts of laws in conflict with this Act and the effective date of the same.

Also:

H. 654. To amend Section 5311 of the Code of 1923.

Also:

H. 954. To amend Section 6 of an Act approved March 10, 1933, entitled, "An Act to provide for the designation by the Court of County Commissioners, Board of Revenue or like Governing Body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Board of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00, and in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims."

Also:

H. 917. To amend Sections 2, 3, and 4 of an Act approved February 10, 1927, entitled "An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance agents." (General Acts of 1927, page 34.)

Also:

H. 1006. To amend Schedule 158.1 of an Act entitled An Act to provide for general revenue of the State of Alabama to read as follows: approved July 10, 1935.

Also:

H. 1055. To provide that in all counties in the State of Alabama having a population of One Hundred and Ten Thousand

(110,000) and not more than Two Hundred Thousand (200,000) according to the last or any subsequent Federal Census that in all misdemeanor cases that a solicitor's fees as now are hereafter fixed by law may be charged as court cost in the discretion of the Judge trying the case.

Also:

H. 921. To amend Schedule 158.3 of Section 348, in Chapter 6 of Article XIII, of an Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to provide for the General Revenue of the State of Alabama".

Also:

H. 217. To require each and every motor vehicle operated upon the city streets and public highways of Alabama to have and keep attached and plainly visible at all times on both ends of the motor vehicle a license tag as prescribed and furnished by the State Tax Commission and to prescribe the punishment for violations of this Act.

Also:

H. 1052. To amend the Code of Laws for the State of Alabama, known as the "Agricultural Code of Alabama", of 1927, adopted as the Code of Laws for the State of Alabama, prepared in accordance with the provisions of the Act approved February 18, 1927, (H. 275 Goode) by the Act of the Legislature approved August 24, 1927, which pertains to Agriculture and Industries, the Department of Agriculture and Industries, the Commissioner of Agriculture and Industries and the State Board of Agriculture, and relating subjects, as follows: Amend Sections 149 and 153, of Article 17 pertaining to fertilizers and, providing for the repeal of laws and parts of laws in conflict with this act and the effective date of the same.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House Joint Resolutions, your signature thereto is requested.

By Mr. Staples:

H. 331. A bill to be entitled "An Act to submit to the qualified voters of this State, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, for their consideration an amendment to the Constitution of the State empowering the Legislature to authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county, existing on September 30th, 1936; providing for the adoption of an annual budget for Mobile County; providing that the expenses of such county for any fiscal year shall not exceed the revenues of the county for that year, and providing that all debts contracted or liabilities incurred by the said county in excess of such revenues shall be void; providing that the governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such county for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the county for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the county subsequently collected for that year, and that any loan so made and not paid out of the general revenues of the county pledged to secure the same shall be void as to any amount remaining unpaid; providing that the Legislature shall not, after the adoption of such amendment, pass any law making any claim a preferred claim against said county, and annulling as to any future claim all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said county; and providing penalties for the violation of any of the provisions of such amendment."

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely: "The Legislature of Alabama may authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision

or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing on September 30th, 1936. In September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95 per cent of the gross receipts of the general fund of the preceding year for the succeeding fiscal year beginning October 1st, and the expenses of such county for any such fiscal year shall not exceed the revenues of the county for that year. All debts contracted or liabilities incurred by the said county in excess of such revenues shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the County subsequently collected for that year, and any loan so made and not paid out of the general revenues of the County pledged to secure the same shall be void as to any amount remaining unpaid. The Legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said County, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County, are hereby annulled as to any future claim. The words 'governing body of Mobile County' as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the Board of Revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this amendment shall, upon conviction, be punished by a fine not exceeding \$5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each County in the State at least four successive weeks next preceding the date of the election hereinafter fixed of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature of Alabama, an election shall be held for the vote of the qualified electors of the State of Alabama upon the pro-

posed amendment. Upon the official ballot printed for such election shall be printed the following, namely: "Shall the following be adopted as an Amendment to the Constitution of Alabama? 'The Legislature of Alabama may authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said County, and all past due interest and principal on any valid and enforceable bonded obligations of said County, existing on September 30th, 1936. In September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95% of the gross receipts of the general fund of the preceding year for the succeeding fiscal year beginning October 1st, and the expenses of such County for any such fiscal year shall not exceed the revenues of the County for that year. All debts contracted or liabilities incurred by the said County in excess of such revenues shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five per cent (25%) of the general revenues of such County for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the County for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the County subsequently collected for that year, and any loan so made and not paid out of the general revenues of the County pledged to secure the same shall be void as to any amount remaining unpaid. The Legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said County, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said County, are hereby annulled as to any future claim. The words "governing body of Mobile County" as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the Board of Revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this amendment shall, upon conviction, be punished by a fine not exceeding \$5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this amendment shall also be ground for impeachment." Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No".

The choice of the voter shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers for said election shall open the polls for a vote of the qualified electors of the State upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State, and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Also:

By Mr. Davis:

H. 408. A bill to be entitled An Act to propose an amendment to Section 229 of the Constitution of Alabama to be known as Amendment Number 27, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 229 of the Constitution of the State of Alabama to be known as Amendment Number 27 is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a Franchise Tax by corporations organized under the laws of this State which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations or Federal building and loan associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended, or building and loan associations organized un-

der or authorized to do business by the laws of Alabama shall not be required to pay such a tax on their withdrawable or repurchasable shares. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least eight successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, viz: "Shall the following be adopted as an amendment to Section 229 of the Constitution of Alabama? 'Section 229. The Legislature shall pass no special Act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the laws of this State, which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations or Federal building and loan associations organized pursuant to an Act of Congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended, or building and loan associations organized under or authorized to do business by the laws of Alabama shall not be required to pay such a tax on their withdrawable or repurchasable shares. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified.' (Yes_____) (No_____)"

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and return thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to

the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be void to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Also:

H. 499. A bill to be entitled An Act to submit to the qualified electors of Alabama an amendment to the Constitution of Alabama authorizing Lawrence County to increase its indebtedness in a sum not exceeding \$130,000 in addition to that now authorized, for the purpose of constructing and equipping a courthouse; authorizing the issuance and sale of bonds therefor; authorizing the levy and collection of taxes on all taxable property in Lawrence County at a rate not exceeding 3 mills to pay said indebtedness; to provide that said levy and collection of taxes for said purpose shall not be continued for a period of more than 25 years from the date of the levy thereof. And to further provide for the submission of said proposed amendment to the qualified electors of the State on the first Tuesday after the expiration of three (3) months from and after the final adjournment of the present session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed by the Legislature for the consideration of the qualified electors of Alabama, namely;

Lawrence County may become indebted and may issue bonds therefor in an amount not exceeding \$130,000 in addition to that now authorized, for the construction of and equipping of a courthouse in said county. To pay said indebtedness, and interest thereon, Lawrence County may levy and collect an annual tax on all property situated therein at a rate not in excess of 3 mills. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of the construction and equipping of said courthouse hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the County Governing Body of said County; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate of taxation first shall have been authorized by a majority of the qualified electors of said county voting such proposal at an

election to be called by said county governing body for said purposes to be held not less than sixty (60) nor more than (120) One hundred twenty days after the adoption of this amendment.

Section 2. "The day hereby appointed for the election upon such proposed amendment is the first Tuesday after the expiration of three (3) months from and after the final adjournment of the present session of the Legislature. On the official ballot provided for such election there shall be printed the following."

Lawrence County may become indebted and may issue bonds therefor in an amount not exceeding \$130,000 in addition to that now authorized, for the construction of and equipping of a courthouse in said county. To pay said indebtedness, and interest thereon, Lawrence County may levy and collect an annual tax on all property situated therein at a rate not in excess of 3 mills. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of the construction and equipping of said courthouse hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the County Governing Body of said County; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate of taxation first shall have been authorized by a majority of the qualified electors of said county voting upon such proposal at an election to be called by said county governing body for said purposes to be held not less than sixty (60) nor more than One Hundred Twenty (120) days after the adoption of this amendment. (Yes..... No.....)

Section 3. The officers to hold such election shall be the same as provided for the general election; and the returns shall be canvassed and the proclamation of the result shall be made as is provided by general laws relating to elections on constitutional amendments.

Also:

H. 814. A bill to be entitled An Act to provide and submit to the qualified electors of the State of Alabama, at an election to be held on the first Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature an amendment to the Constitution of the State of Alabama, continuing the amount of taxes which may be levied by the Governing Body of the Municipality of Attalla, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State, is hereby authorized upon such proposed amendment and the day appointed for such election is the first Tuesday next after the expiration of three months from the date of final adjournment of the present session of the Legislature at which this amendment is proposed. The amendment proposed is as follows:

(a) That the Municipality of Attalla, Alabama, through its governing body, may levy and collect from and after the date of this amendment the present rate of one per cent ad valorem tax per annum, and said amount to be devoted to the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality, but before any additional tax now authorized by law can be levied, it must be voted by a majority of qualified electors of the Municipality voting on such proposition at an election called by the governing body of said Municipality for such purposes; providing that the total tax levied for all purposes by the said Municipality of Attalla shall not exceed one per centum in any one year on the property situated therein, based on the valuation of such property as assessed for State taxation.

(b) That the adoption of this amendment shall in no wise effect, limit, modify, abridge or impair the power, authority or right of such Municipality to levy and collect the special school taxes now or hereafter vested in or conferred upon it under the Constitution or any amendment thereto.

(c) Each election held under the provisions of this amendment shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to Municipal Corporations, for elections to order the issuance of municipal bonds. The ballots used at such election shall contain the following words:

"For authorization of a continuation of taxation at a rate not to exceed one per cent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said Municipality."

"Against authorization of a continuation of taxation at a rate not to exceed one per cent per annum for the purpose of the payment of outstanding bonds, provide for schols, and such other purposes as may be designated by the governing body of said Municipality."

The rate of taxation proposed shall be printed upon the ballot in the space indicated therefor and for the year or years in which the proposed rate is to apply, and the purpose or purposes for which said tax is to be used shall likewise be placed in the respective

places therefor. The voter shall record his choice either for or against authorization of the proposed rate for the proposed purpose or purposes by placing a cross-mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or effect the rights of any holder of bonds of said Municipal Corporations heretofore issued. Elections in said Municipality to order the levy of such tax may be held as often as ordered by the governing body thereof, but when a proposition is submitted to the said municipality hereunder and such proposition is defeated, no second election shall be held in such municipality for one year thereafter. This amendment shall be self-operative without any additional legislation.

Section 2. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county of the State for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

Also:

H. 963. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama permitting certain school districts in Lawrence County, Alabama, to levy and collect for school purposes a tax of three mills in addition to all taxes now authorized. To provide for the submission of the proposed amendment to the qualified electors of the State on the first Tuesday following the expiration of three (3) months after the final adjournment of this session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, to-wit: Enon School District, Hendon School District, Oakville School District, Cave Springs School District, Center School District, Piney Grove School District, Shiloh School District and Speake School District in Lawrence County, Alabama, shall each have the right and power by vote of a majority of the qualified electors of such district at an election held for that purpose to levy and collect for the purpose of, acquiring, constructing or repairing of school buildings in such districts or paying for school buildings already built, a tax of not over three mills in any one year, in addition to all other taxes now authorized by law. The election in such district to determine whether or not such tax shall be levied shall be called, held and conducted as now provided by law for calling, holding and conduct-

ing of election to determine whether or not a three mill district school tax shall be levied and collected.

Section 2. This amendment shall be submitted to the qualified electors of the State on the first Tuesday after the expiration of three (3) months from and after the final adjournment of the present session of the Legislature.

Also:

H. 967. A bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present regular session of the 1935 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Calhoun and Tuscaloosa; and, whereby all Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable or purporting to be applicable to any or all of said Counties, and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in the following named counties: Calhoun and Tuscaloosa. All Acts of the regular session of the Legislature 1935, heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix the compensation of said named county officers, on a salary basis, are hereby validated and confirmed."

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least eight successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present regular session of the 1935 Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? 'The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation or consolidate any of said offices in the following named counties: Calhoun and Tuscaloosa. All Acts of the Regular Session of the Legislature of 1935, heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix, the compensation of said named county officers, on a salary basis, are hereby validated and confirmed.' Yes..... No....." The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Also:

H. J. R. 413. Relative to protecting consolidation of railroad terminals in Birmingham.

Also:

H. 871. To create a Board to be known as the "State Board of Adjustment"; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor.

Also:

H. 769. To authorize, provide for and regulate non-profit corporations, for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service.

H. 948. To amend Sections 2 of an Act of the Legislature of Alabama approved October 28th, 1932, entitled an Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1932; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act; and to exempt motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school, or while being used for any school purpose or any public or community purpose at the direction of or by authority of the Superintendent of Education having

supervision over the school or schools regularly served by such motor vehicles, from any license tax or registration fee as a contract carrier or common carrier or jitney bus, and to make provision for special license tags to be provided at the expense of the State for such motor vehicles.

Also:

H. 505. To amend Section 1193 of the Code of Alabama of 1923, as amended by the General Acts of the Legislature of Alabama of 1931, page 542, approved July 17th, 1931.

Also:

H. 369. Relating to, Regulating and Requiring a Pre-Qualification and Classification of Bidders on Public Improvements.

H. J. R. 463. Fixing the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature as date for election on constitutional amendments proposed in H. 408, H. 499, H. 814, H. 963 and H. 967.

E. F. Taylor,

Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Mr. Bonner offered the following Senate Resolution:

S. R. 129. Whereas, the Honorable Earle Speight has served as Secretary of the Senate of Alabama during the present session of the Legislature with ability to a marked degree, with the utmost courtesy to each member of the Senate, with untiring zeal and with unflinching faithfulness.

Therefore, Be It Resolved by the Senate:

1. That we express to him our sincere appreciation of his invaluable service.

2. That a copy of this Resolution be spread upon the Senate Journal.

And on motion of Mr. Browder, the Rules were suspended, the Resolution put upon its immediate passage and adopted.

REPORT OF SECRETARY

Mr. President:

In accordance with the requirements of Joint Rule No. 5 of the Senate and House, I respectfully report the following Senate Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. 7. To make appropriations to the State Board of Education and provide funds for the purpose of paying the interest due to the creditors of Florence State Teachers College, Jacksonville State Teachers College, Livingston State Teachers College, Troy State Teachers College, Montgomery State Teachers College, and A. & M. Institute for Negroes, said interest being on indebtedness and due prior to July 1, 1933, and all being now due to creditors of the said institutions.

Delivered to the Governor September 13th, 1935, at 10:30 a. m.

Also:

S. 73. Relating to the liability of owners and operators of motor vehicles to guests.

Delivered to the Governor September 13th, 1935, at 10:30 a. m.

Also:

S. 247. To amend Sections 1058, 1063, 1074, 1081, 1141, 1146, and 2051 of the Code of Alabama, as amended by the Acts of 1927, all of which relate to the public health of Alabama.

Delivered to the Governor September 13th, 1935, at 10:30 a. m.

Also:

S. 248. To amend Sections 1048, 1050, 1052, 1055, 1061, 1064, 1067, 1068, 1069, 1070, 1072, 1076, 1077, 1078, 1079, 1082, 1085, 1092, 1093, 1096, 1103, 1104, 1105, 1108, 1114, 1118, 1119, 1120, 1124, 1125, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1139, 1140, 1143, 1144, 1145, 1148, 1158, 1199, 1205, 1219, 4377, 4464, 4465, 4466, 4468, 4469, 4470, 4472, 4473, 4477, and 4478, of the Code of Alabama of 1923, all relating to the public health of Alabama.

Delivered to the Governor September 13th, 1935, at 10:30 a. m.

Also:

S. 318. To amend Section 4 of an Act entitled "An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and/or housing projects; to provide for the creation of such housing authorities; to define the powers and duties of such housing authorities and to provide for the exercise of such powers including the borrowing of money, issuance of bonds and other obligations and the giving of security therefor to provide for the payment of such bonds and other obligations with the approval and consent of a Board to be known as the Public Works Board of Alabama; and to provide for the remedies of bond and other obliga-

tion holders of such housing authorities," approved February 8, 1935.

Delivered to the Governor September 13th, 1935, at 10:30 a. m.
Also:

S. 380. To authorize and direct the expenditure from their annual appropriations for research by the University of Alabama and by the Alabama Polytechnic Institute, of a sum not to exceed in the aggregate \$5,000.00 each per annum for four years, such expenditure to be made by the University of Alabama and by the Alabama Polytechnic Institute for the purpose of extending and improving the uses of the naval stores products of the State of Alabama, and for the purpose of increasing its consumption, provided any amount so spent shall be matched by a donation from the Naval Stores Industry.

Delivered to the Governor September 13th, 1935, at 10:30 a. m.
Also:

S. 395. To create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act.

Delivered to the Governor September 13th, 1935, at 10:30 a. m.
Also:

S. 397. To establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and

regulate the payment of pensions under Article I of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof; to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for co-operation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith.

Delivered to the Governor September 13th, 1935, at 10:30 a. m.

Also:

S. 409. To authorize and empower the governor to contract rental or lease agreements with persons, firms, or corporations owning bridges across streams between counties and on state maintained highways, so as to make said bridges free for crossing of the travelling public and to provide for the payment of a maximum yearly rental thereon.

Delivered to the Governor September 13th, 1935, at 10:30 a. m.

Also:

S. 413. To impose all the duties of the State Securities Commission of Alabama under existing law and all the duties of the Superintendent of Banks of this State, as such State Securities Commission, upon the Attorney General of Alabama; and to invest in the Attorney General of Alabama all the authority, rights, privileges and immunities of said State Securities Commission, and of the Superintendent of Banks of this State, as such State Securities Commission; and to provide that on and after the effective date of this Act the State Securities Commission shall be composed of the Attorney General of Alabama; and to provide that the State Securities Commission shall have its office in the office of the Attorney General of this State.

Delivered to the Governor September 13th, 1935, at 10:30 a. m.

Also:

S. 428. To appropriate the sum of three hundred dollars (\$300.00) for the casting into bronze of six plaster plaques of Alabama historical characters.

Delivered to the Governor September 13th, 1935, at 10:30 a. m.

Also:

S. 348. To exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama, and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed.

Delivered to the Governor September 13, 1935, at 4:55 p. m.

Also:

S. 77. To provide for the promotion, encouragement, development and regulation of air navigation, air navigation aids and facilities, airmen and aircraft; to provide for the survey, location, mapping and development of State Airways and Airway Facilities; to provide for the registration and issuance of permits to operators, aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical Industries; to create a Commission for the administration of this Act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act.

Delivered to the Governor September 13th, 1935, at 4:55 p. m.
Also:

S. 398. To provide for the revision and codification of the general laws of Alabama relating to education.

Delivered to the Governor September 13th, 1935, at 4:55 p. m.
Also:

S. 402. To provide aid to dependent children, to authorize the State Department of Public Welfare to administer such aid, to authorize the county departments of public welfare to administer such aid, under the supervision of the State Department of Public Welfare, in the several counties, to authorize the County Board of Revenue or Court of County Commissioners or other governing body of the county to appropriate funds for aid to dependent children, and to authorize the State Department of Public Welfare to reimburse said counties for one-half of the sum so expended in the several counties under certain conditions.

Delivered to the Governor September 13th, 1935, at 4:55 p. m.
Also:

S. 406. To provide authority for the State Board of Education and/or the trustees of all State Institutions, where education is a part of the program of the Institution to borrow money from Federal Agencies for the erection of buildings, beautification of grounds, and the erection and maintenance of swimming pools at the several State Institutions; to authorize the issuance of bonds, warrants or other evidences of debt for the repayment of the amount borrowed with interest at a rate not to exceed four per cent semi-annually, and to pledge therefor the fees from students to be levied by the Institution for which the money is borrowed, and any other moneys not appropriated by the State to said Institution; to make such bonds, warrants or other evidences of debt not an obligation of the State and not payable out of any moneys provided by the State.

Delivered to the Governor September 13th, 1935, at 4:55 p. m.

Also:

S. 407. Relating to and regulating the manufacture, sale, possession, control, prescribing, administering, dispensing, compounding, mixing, cultivation and growth of narcotic drugs.

Delivered to the Governor September 13th, 1935, at 4:55 p. m.

Also:

S. 410. To more effectively provide for the supervision, inspection and regulation by Alabama Public Service Commission, in the public interest, of transportation companies, and of their rates, fares and charges, service, facilities, practices, rules and regulations and to provide for the payment of supervision and inspection fees by such transportation companies.

Delivered to the Governor September 13th, 1935, at 4:55 p. m.

Also:

S. 422. To amend Section 1 of an Act entitled, "An Act to amend Sections 989, 992, 995, 1005, and 1007 of the Code of Alabama of 1923", approved February 5, 1935.

Delivered to the Governor September 13th, 1935, at 4:55 p. m.

Also:

S. 427. To continue the investigation of water resources of the State and to authorize the State Geologist to enter into contracts with the United States Government, or departments thereof, for cooperative action in collecting and publishing information and to make an appropriation therefor.

Delivered to the Governor September 13th, 1935, at 4:55 p. m.

Also:

S. 429. For the relief of the people of the Town and Community of Kennedy, in Lamar County, Alabama, composing Kennedy School District No. 1.

Delivered to the Governor September 13th, 1935, at 4:55 p. m.

Also:

S. 153. To amend An Act entitled An Act, approved April 17th, 1933 and found on pages 139, 140 and 141 of the General Acts of Alabama, Special Session of 1933, "To amend Section 7 of an Act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public

works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911.

Delivered to the Governor September 13th, 1935, at 6:30 p. m.
Also:

S. 181. For the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof.

Delivered to the Governor September 13th, 1935, at 6:30 p. m.
Also:

S. 424. To amend Sections 94, 108-113, inclusive 133, 182, 277, 281, 290, and 472 of the Alabama School Code of 1927.

Delivered to the Governor September 13th, 1935, at 6:30 p. m.
Also:

S. 376. To permit the playing of tennis, golf, baseball, and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in cities of the State which now have or may hereafter have a population of not less than Fifteen Thousand inhabitants nor more than Forty Thousand inhabitants, according to the last or any subsequent Federal Census and within the police jurisdiction thereof; to provide that the governing body of any such city may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city, and to provide for holding of other and subsequent elections on such acts and for cost thereof.

Delivered to the Governor September 13th, 1935, at 9:45 p. m.
Also:

S. 413. To impose all the duties of the State Securities Commission of Alabama under existing law and all the duties of the Superintendent of Banks of this State, as such State Securities Commission, upon the Attorney General of Alabama; and to invest in the Attorney General of Alabama all the authority, rights, privileges and immunities of said State Securities Commission, and of the Superintendent of Banks of this State, as such State Securities Commission; and to provide that on and after the effective date of this Act the State Securities Commission shall be composed of the

Attorney General of Alabama; and to provide that the State Securities Commission shall have its office in the office of the Attorney General of this State.

Delivered to the Governor September 13th, 1935, at 10:45 p. m.

SECRETARY'S REPORT

The foregoing Report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the Forty-ninth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Forty-ninth Legislative day approved by the Senate.

ADJOURNMENT SINE DIE

At 11:55 p. m., on motion of Mr. Chesnut, the Senate adjourned Sine Die.

THOAMS E. KNIGHT, Jr.,
Lieutenant-Governor and President and
Presiding Officer of the Senate.

Attest:

J. E. SPEIGHT,
Secretary.

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- To amend Section 4 of an Act of regular session approved Feb. 8, 1935, providing for housing authorities defining their powers, duties, etc. S. 164, page 358.
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- To amend Sections 338 and 344 of an Act providing for the General Revenue of the State, approved July 10, 1935. S. 363, pages 1430, 1666, 1727.
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- To amend title and Sec. 2 of an Act regarding county, city, etc. to acquire certain bridges, etc., and amusements and finance same. S. 387, pages 1568, 1680, 1881.
- To amend Sec. 29 (a) of an Act defining contract carriers and common carriers approved Oct. 28, 1932. S. 389, pages 1597-1660.
- To amend Sec. 5742, Code of 1923, approved July 23, 1931. S. 403, pages 1628, 1681, 1864.
- To amend an Act regulating the manufacture, transportation, sale and possession of cereal beverages, approved Oct. 6, 1932. S. 404, pages 1664, 1687, 1848.
- To amend Section 12 of Article 1 of General Revenue, approved July 10, 1935. S. 419, pages 1718, 1804, 2003.
- To amend Section 1 of an Act amending Sections 989, 992, 995, 1005 and 1007 of 1923 Code, approved Feb. 5, 1935. S. 422, pages 1736, 1804, 1913, 2262, 2330, 2385.
- To amend Sec. 8 of an Act approved August 27, 1935, creating a State Department of Public Welfare. S. 430, pages 1887, 1963, 2127.
- To amend Article XIII, Chapter 1, Sec. 348, Schedule 104 of Revenue Law of 1935. S. 432, pages 1921, 2007, 2086.
- To amend Sec. 9, 14 and 15 of an Act approved July 10, 1931, to protect Public Health. H. 64, pages 2150, 2153, 2275, 2364.
- To amend an Act to amend An Act, approved Sept. 25th, 1915, to provide for the government of all cities having a population of 100,000 or more. H. 93, pages 170, 226, 260, 275.
- To amend Sec. 1 of an Act to authorize counties, cities and towns, subject to limitations, to construct waterworks systems, water supply systems, sewer systems, sanitary disposal systems, etc. H. 134, pages 218, 223, 249, 263, 274.
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- To amend Sec. 2 of an Act entitled an Act relating to bridges, etc. across rivers. H. 251, pages 627, 671, 916, 1256.
- To amend Sec. 3 of An Act prescribing duties for coroners in counties having a population of 75,000 and less than 100,000, approved March 9, 1931. H. 334, pages 435, 496, 545, 625.
- To amend Paragraph (10) of Sec. 9 of an Act approved April 9, 1931 entitled, "An Act in regard to Building and Loan Associations. H. 336, pages 526, 667, 837, 901, 2270.
- To amend and extend Sec. 26 of an Act approved April 9, 1931, entitled, "An Act in regard to Building and Loan Associations. H. 337, pages 526, 667, 840, 901.
- To amend Secs. 2 and 3 of an Act approved June 16, 1931 establishing in counties of 300,000 inhabitants, a County Commission in lieu of Board of Revenue of Commissioners—(Gen. Acts 1931, pg. 298) to provide terms of office, etc., for said Commissioners. H. 372, pages 434, 462, 487, 524.
- To amend Chapter 224 of 1907-Code, approved Sept. 29, 1933. H. 373, pages 1701, 1741, 2017, 2051, 2064.
- To amend an Act entitled an Act to amend Sec. 6 of an Act authorizing Commissioners Courts, etc., of certain counties to make stock laws. H. 412, pages 505, 603, 736, 793, 2186.
- To amend Sec. 7 of An Act to give effect to amendment to Sec. 93 of Constitution adopted Nov. 1922, etc. H. 432, pages 1320, 1690, 2012, 2051, 2064.
- To amend an Act approved Sept. 10, 1927 providing a Code of laws and governing issuance, etc. of bonds. H. 447, pages 865, 872, 1278, 1292.
- To amend Sec. 7, 9, 12, 18, and add Sec. 20 to an Act providing for the formation of non-profit membership corporations to promote electric energy in the State, approved Feb. 7, 1935. H. 469, pages 659, 749, 803, 840, 902.
- To amend an Act requiring officers in counties of 18,000 to pay bond, approved Apr. 4, 1933. H. 512, pages 913, 1531, 1606, 1617, 1633.
- To amend Sec. 8 creating Juvenile Courts, approved Sept. 9, 1927, as amended by an Act approved Apr. 21, 1931, and amend title and Sec. I as amended by an Act approved April 17, 1933. H. 583, pages 890, 1251, 1671, 2257, 2320.
- To amend an Act amending Sec. 4 of an Act establishing a Board of Education in counties of 75,000 to 100,000, approved Mar. 5, 1931, approved July 8, 1931. H. 584, pages 773, 874, 1257, 1285, 1307, 1329.
- To amend an Act vesting power in Circuit Court, etc., to dispose of interests of married person whose spouse is insane, approved April 19, 1933. H. 629, pages 1514, 1784, 2019, 2069.
- To amend Sec. 6 of Article One of An Act providing a system of legislation pertaining to Highways. H. 646, pages 1614, 1688, 1879, 1908.
- To amend Sec. 7 of an Act providing for subordinate officers and employees of the legislature. H. 743, pages 1426, 1463, 1571, 1602.
- To amend Caption and Sections 1, 2, 3, 6, 9, 11 and 16 of an Act authorizing the creation of Rural Electrification. H. 750, pages 1442, 1786.
- To amend Section 18 of an Act establishing Jury Boards in the several counties. H. 781, pages 1442, 1525, 1711, 1761.
- To amend Sec. 11 Act approved Aug. 15, 1923, entitled an Act to Amend an Act providing for the election of Commissioners. H. 786, pages 1469, 1532, 1608, 1634.

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- To amend Sections 2, 5 and 8 repealing Sec. 9½ pertaining to Circuit Court of the Tenth Judicial Circuit. H. 810, pages 1443, 1806, 1931, 2001.
- To amend Sec. 251 of an Act providing for General Revenue, approved July 10, 1935. H. 834, pages 2151, 2153, 2272, 2294, 2364.
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- To amend Schedule 96, Sec. 348, Chapter 1, Article 13 of General Revenue, approved July 10, 1935. H. 887, pages 1960, 2006, 2149, 2167.
- To amend Sec. 28 of an Act creating Pilotage Commission. H. 889, pages 1961, 2007, 2085, 2167, 2259, 2328.
- To amend Sec. 145 of Article V of General Revenue Act, approved July 10, 1935. H. 899, pages 2114, 2153, 2276.
- To amend Sec. 148, Article 5 of Revenue Bill. H. 908, pages 1930, 2006, 2149, 2168.
- To amend Sec. 2, 3 and 4 of an Act approved Feb. 10, 1927 to define who are insurance agents and provide for licensing, etc., of such agents. H. 917, pages 2143, 2154, 2277, 2366.
- To amend Schedule 158.3 of Sec. 348, Chap. 6 of Article XIII of an Act providing for General Revenue, approved July 10, 1935. H. 921, pages 2135, 2153, 2274, 2367.
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- To amend Schedule 155, of Sec. 348, Article 13, Chapter 3, of an Act providing for General Revenue, approved July 10, 1935. H. 937, pages 1743, 1804, 2005, 2071.
- To amend Sec. 2 of an Act approved Oct. 28, 1932 defining contract carriers, etc., by Motor Carrier Act of 1932. H. 948, pages 1967, 2041, 2209, 2258, 2327, 2340, 2379.
- To amend an Act to amend an Act amending Sec. 2377 Code 1923, approved July 22, 1931, approved Mar. 15, 1933. H. 950, pages 1862, 1924, 1983, 2072.
- To amend Sec. 6 of an Act approved Mar. 10, 1933, providing that claims against County depositories for school funds, etc., be preferred claims. H. 954, pages 2114, 2155, 2277, 2366.
- To amend Sec. 20 and 23 of an Act approved Sept. 6, 1927 relating to dependent children in counties of 200,000 population. H. 960, pages 2095, 2158, 2242, 2322.
- To amend Schedule 158.1 of an Act providing for general revenue, approved July 10, 1935. H. 1006, pages 2147, 2153, 2275, 2366.
- To amend Sec. II, III, V and VI of an Act regulating barber colleges, approved July 24, 1931. H. 1057, pages 2097, 2157, 2239, 2324.

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- To repeal an Act to further regulate voiting of absentee ballots, approved April 19, 1933. S. 71, pages 173, 1569, 1957.
- To repeal an Act approved July 17, 1931, providing for establishment of a Bureau of Identification in counties of 105,000 or over 300,000. S. 125, pages 327, 352, 368.
- To repeal an Act approved August 26, 1927 to amend an Act to further define duties of humane officers. S. 127, pages 327, 352, 368.

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- To repeal an Act approved March 2, 1931, amending Section 1 of an Act providing for appointment of Deputy Registers and Deputy Clerks in Judicial Circuits having more than two and less than five Circuit Judges, approved February 12, 1927. S. 129, pages 328, 353, 370.
- To repeal an Act approved February 10, 1927 appointing an additional solicitor in Circuits composed of one county having two and less than nine Judges. S. 131, pages 328, 353, 370.
- To repeal an Act to amend Section 7 of an Act, approved April 8, 1911. S. 153, pages 349, 497, 534, 592, 2251, 2346, 2385.
- To repeal an Act approved Mar. 5, 1931, fixing compensation of Register of Circuit Court for Ex-Officio Services. S. 331, pages 1355, 1378, 1415.
- To repeal an Act defining sedition which became law July 31, 1935. S. 392, pages 1598, 1629, 1726, 1858, 1861, 2033.
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- To repeal an Act to create the office of general guardian ad litem in counties of over 100,000 population, approved March 22, 1911, as amended by Act approved July 27, 1915", approved August 18, 1919. H. 94, pages 239, 244, 269, 285.
- To repeal an Act to establish an Inferior Court of Record in all counties having a population of 300,000 or more, approved July 20, 1931. H. 95, pages 170, 243, 268, 285.
- To repeal an Act creating the Office of Commissioner of Licenses in certain counties. H. 163, page 1441.
- To repeal Section 8 of an Act approved August 2, 1923, regulating office of Sheriffs in Counties of 200,000 population or over. H. 186, pages 435, 600, 644.
- To repeal an Act prohibiting any agency or commissioner of the State for granting exemptions from any State, etc., taxation, approved August 4, 1931. H. 501, pages 2135, 2164, 2292, 2295, 2365.
- To repeal an Act to amend an Act to amend Section 2377 1923 Code, approved July 22, 1931, approved March 15, 1933, and repeal an Act to amend Section 2377-1923 Code, approved July 22, 1931. H. 597, page 899.

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To permit those having a combined paid in capital and paid in or earned surplus of more than one million dollars in counties of 250,000 population or more to establish, maintain and operate branch banks, offices and agencies. H. 68, pages 117, 129, 167, 185.

BARBERS—

To define sanitary rules and to create Barbers' Commission in counties of 300,000 or over. H. 491, pages 889, 1805, 1931, 2037, 2065.

BARBOUR COUNTY—

Providing transportation of prisoners from jail in county to Circuit and County Courts. H. 198, pages 391, 458, 483, 522.

Creating a Commission Government for same. H. 200, page 392.

BARCLAY, MRS. D. E.—

For relief of—of Scottsboro, Ala. S. 232, page 596.

BARRY, FRANK M.—

For relief of. H. 635, pages 2193, 2153, 2275, 2363.

BIBB COUNTY—

Relieving persons from road duty and prohibiting per capita road tax. H. 988, pages 1830, 1923, 1981, 2073.

BIRMINGHAM, CITY OF—

Vesting title east halfblock 44, Elyton Land Company, survey in. H. 178, pages 1536, 1685, 1773, 1850.

To abolish 1st Division of Municipal Court and establish Intermediate Civil Court and provide for transfer of cases. H. 787, pages 1542, 1810, 1940, 2001.

To establish Inferior Court to be called Intermediate Civil Court of Birmingham. H. 788, pages 1543, 1813, 1942, 2001.

BLOUNT COUNTY—

Providing for government of. H. 602, page 717.

Providing for collection of all licenses. H. 603, page 721.

Allowing sheriffs an additional deputy sheriff. H. 943, pages 1698, 1739, 1845, 1911.

BOARD OF ADMINISTRATION—

To define who are members of and providing for their appointment and duties. S. 29, page 69.

BOARD OF REVENUE—

Filling vacancies of. S. 394, pages 1599, 1666, 1907.

BOARDS OF REVENUE, ETC.—

Requiring to make regulations concerning Circuit Courts and boundaries of precincts. H. 226, page 914.

Providing method for filling vacancies on. H. 1039, pages 1968, 2041, 2201, 2232.

BONDED INDEBTEDNESS—

- To authorize Governor to fund, refund or refinance any part of. S. 46, pages 90, 130, 297.
- To authorize the Governor to fund, refund finance or refinance. H. 82, pages 155, 183, 196, 203, 214, 279, 284.

BONDS—

- To authorize the sale of county and municipal to the United States of America or to any corporation, etc. S. 55, pages 145, 159, 256.
- Validating, ratifying, approving and confirming those issued to aid in financing any grant by the United States through the Federal Emergency Administration of Public Works. S. 57, pages 146, 159, 256.
- To validate proceedings of any county, city or town for the issuance of heretofore taken. S. 58, pages 146, 159, 257.
- To create a sinking fund for retirement of Renewal Class A. Renewal Class C and the Funding Bonds of the State. S. 93, page 317.
- To validate proceedings heretofore taken by cities and towns authorizing. H. 127, pages 186, 205, 234, 254, 261.
- To authorize, provide for and regulate sale of county and city. H. 136, pages 186, 206, 235, 254, 263.
- Validating, ratifying, approving and confirming those heretofore issued for aiding in any undertaking where a loan or grant has been made by the United States through the Federal Emergency Administrator. H. 137, pages 188, 205, 235, 254, 264.
- To create a sinking fund to retire Renewal Class A and C. H. 325, pages 1673, 1681, 1780, 1851.
- Providing for validation of prescribing procedure in Circuit Court and Supreme Court. H. 449, pages 867, 873, 1279, 1292.

BREACH OF PROMISE—

- Abolishing civil causes of action for breach of promise, etc., and regulating procedure in such actions. S. 115, page 325.

BRIDGES—

- To provide for leasing of all owned by the Alabama State Bridge Corporation to the State Highway Department. S. 81, pages 232, 672, 758, 1304, 1322, 1329, 1330, 1339.
- Authorizing governor to make contracts for. S. 409, pages 1665, 1688, 1775, 2215, 2226, 2383.

BRIDGES—HIGHWAY—

- To authorize the creation and incorporation of a Commission for the construction of. S. 56, pages 145, 159, 256.
- To authorize the creation of a Commission with power to construct and reconstruct. H. 132, pages 221, 224, 249, 262, 273.

BRIDGES, TOLL—

- Declaring public utilities. S. 326, pages 1348, 1438, 1515, 1616, 1632, 2030.
- Providing for freeing highways of. S. 361, pages 1429, 1688, 1916.
- Freeing Alabama Highways of. H. 876, pages 1614, 1689, 1907, 2002.

BUDGET—

- Establishing budget system for all counties. S. 351, pages 1404, 1433, 1511, 1741, 1801, 2032.

BUILDING AND LOAN ASSOCIATIONS—

- Regulating. S. 212, page 475.
- Regulating same and authorizing transfer of mortgages to HOLC. H. 338, pages 526, 666, 841, 901.

BURGLARY—

Prohibiting and defining degrees of. H. 223, pages 479, 495, 581, 626.

BUTLER COUNTY—

Relief of Eddie McCrory. H. 1034, pages 1863, 1922, 1979, 2042, 2074.

CALHOUN COUNTY—

Creating office of Supervisor of Roads and Bridges of. S. 431, pages 1919, 1967, 2063.

Ceding Fort McClellan to U. S. H. 823, pages 1614, 1688, 1846, 1910.

Creating a purchasing agency of; H. 1064, pages 2101, 2156, 2237, 2325.

To fix salary of Judge of Probate and other officials of; H. 1065, pages 2103, 2156, 2235, 2325.

CATTLE—

Making it unlawful to transfer cattle in counties of 110,000 and not more than 300,000 without a bill of sale; H. 1056, pages 2097, 2157, 2240, 2324.

CASTLEBERRY, TOWN OF—

Re-arranging the boundaries of; H. 202, pages 395, 499, 1456.

CERTIFICATE OF ELECTION OF—

Members of Secy. of State. P. 5.

CHAMBERS COUNTY—

To provide for the election of a County Supt. of Education for; S. 96, pages 317, 351, 366, 489, 503, 1335.

To authorize and direct Court of County Commissioners to pay for notices of local bills to be introduced in Legislature; S. 98, pages 320, 351, 366, 527, 530, 1336.

Relieving persons from obligation to work on public roads, etc.; S. 193, pages 469, 498, 541, 915, 1254, 1338.

Permitting Board of Education to borrow money to pay teachers, etc., for; S. 194, pages 470, 499, 544, 1427, 1440, 1621.

Providing for payment of witnesses in certain Courts out of General fund of; S. 317, pages 1341, 1377, 1413.

CHILDREN, CRIPPLED—

Providing for care of; S. 346, pages 1374, 1515.

Providing medical care for; H. 829, pages 1721, 1740, 2017, 2071.

CHIROPODY—

Providing for registration and regulation of in counties of 110,000 and not more than 300,000; H. 910, page, 1650.

CHEROKEE COUNTY—

Creating Centennial Commission of; S. 425, page, 1783.

Requiring 15% of funds from gasoline taxes to be used for sinking fund to retire certain bonds of; H. 969, pages 1823, 1923, 1980, 2072.

Relieving Tax Assessor from preparing book of assessments; H. 970, pages 1825, 1923, 1981, 2072.

CHOCTAW COUNTY—

Creating the County Treasurer of; H. 570, page 700.

Creating office of County Solicitor of; H. 571, pages 701, 768, 833, 903.

To repeal Act authorizing Commissioners Court to appropriate certain sums for payment of registered witness tickets, approved Nov. 9, 1932; H. 572, page 702.

CHOCTAW COUNTY—Continued.

To repeal an Act regulating Fine and Forfeiture Fund, approved July 30, 1931; H. 573, page 703.

To repeal an Act imposing a per capita road tax approved Sept. 27, 1932; also repealing amendment thereto approved June 27, 1927; H. 574, pages 704, 768, 833, 903.

CHILTON COUNTY—

RE-arranging and defining the boundaries of Chilton County; S. 165, pages 359, 378, 489.

To amend an Act providing for County Superintendent of Education of; S. 229, pages 594, 669, 742, 1675, 1693, 2030.

Authorizing Court of County Commissioners to transfer \$5,000.00 from General Fund to Fine and Forfeiture Fund of; H. 375, pages 431, 498, 736, 793.

Relieving Gertrude P. Calloway of; H. 376, pages 432, 498, 541, 625.

To amend an Act providing for Election of Supt. of Education, approved April 11, 1933; H. 612, pages 1271, 1380, 1419, 1450.

Exempting Central Alabama Hospital, Inc., from ad valorem taxes; H. 812, pages 1469, 1683, 1768, 1852.

Relief of J. T. Rockett; H. 813, pages 1471, 1683, 1768, 1852.

Authorizing sheriff to appoint special deputy for; H. 869, pages 1640, 1686, 1772, 1854.

CIRCUIT COURTS, ETC.—

Regulating place to be held also certain boundaries of certain precincts; H. 226, page 914.

Authorizing courts in counties of 300,000 to consolidate causes of same nature to save expense; H. 932, pages 2095, 2157, 2240, 2322.

CIRCUIT JUDGES—

To fix the compensation of in circuits embracing certain area; S. 42, pages 80, 130, 167.

Fixing salaries of; S. 316, page 1341.

To appoint attorneys to defend persons under certain conditions; H. 728, pages 914, 1247, 1295.

To regulate the nomination of; H. 809, pages 1446, 1532, 1838, 1910.

CIRCUIT SOLICITORS—

To fix compensation for; S. 309, pages 1289.

CITIES AND TOWNS—

To prohibit from collecting business licenses carried on outside of corporate limits within police jurisdiction; H. 30, pages 152, 225, 260, 271, 284.

CITIES (CLASS D)—

Of 15,000 to 24,000 known as "Class D" and creating Commission Form of Municipal Government; H. 973, pages 1862, 1925, 1989, 2050, 2072.

CITIES, INCORPORATED—

Authorizing to make certain improvements and finance by sale of bonds; H. 482, pages 517, 607, 750, 800, 826.

CIVIL SERVICE—

Creating system of; H. 737, pages 1385, 1436, 1707, 1760.

Establishing system of in counties of 200,000 or more; S. 259, page 806.

Creating system for counties having population of 200,000 or more; S. 104, page 322.

CLANTON, TOWN OF—

Altering corporate limits of; H. 294, pages 427, 461, 482, 523.

CLAY COUNTY—

Abolishing Commissioners Court and County Commissioners of; H. 575, pages 705, 1686, 1774, 1785, 1855.

To amend Sec. 1 and 2 of an Act providing for the election of County Superintendent of Education of; H. 723, pages 1441, 1685, 1770, 1851.

Requiring certain duties of the County Supt. of Education; H. 947, page 1891.

CLARKE COUNTY—

Abolishing county Board of Education; H. 600, pages 1358, 1380, 1418, 1423, 1450.

CLEBURNE COUNTY—

Relieving persons of working public roads; S. 378, pages 1523, 1629, 1766, 1969, 1994, 2221.

CODE AMENDED—

Section 1507; S. 5, pages 17, 670, 779, 1704, 1929.

Section 1508; S. 6, pages 18, 670, 779, 1704, 1928.

Section 1897; S. 16, pages 60, 184, 226, 341, 354, 1335.

Sections 951-955-957; S. 25, pages 69, 80, 101.

Section 10145; S. 33, page 74.

Section 10144; S. 34, page 74.

Section 7875; S. 37, page 74.

Section 2938 as amended by Act approved Sept. 6, 1923; S. 43 pages 80, 92, 297.

Section 9008; S. 44, page 80.

Section 3023; S. 68, pages 158, 379, 444.

Section 3412; S. 69, pages 173, 245, 271.

Section 231; S. 70, pages 173, 206, 236, 611, 641, 1336.

Section 7365; S. 72, pages 181, 457, 490, 780, 1953.

Sections 9238, 9240, 9241, 9243, 9245, 9246; S. 78, pages 205, 379, 445.

Section 4188; S. 80, pages 205, 1741, 1993.

Section 9577; S. 84, pages 282, 608, 1256, 2187.

Sections 6363-6364 (Relates to unclaimed dividends in liquidated banks); S. 88, pages 316, 766, 1727.

Section 8092 of 1923 Code; S. 116, page 325.

Section 9577 of 1923 Code also regulating office hours of Probate Judges; S. 149, page 348.

Sections 7542, 7543, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7566, 7567, 7568, 7584, 7586, 7596-1923 Code; S. 160, page 350.

Section 8149—1923 Code; S. 189, pages 456, 600, 743.

Section 7887; S. 192, page 457.

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Section 7414—1923 Code as amended by an Act approved March 29, 1933; S. 196, pages 472, 495, 578.

Section 7413 of 1923 Code; S. 197, pages 472, 1501

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Section 7407—Subdivision 3 of 1923 Code; S. 199, pages 472, 495, 580.

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- Section 7425; S. 200, pages 472, 495, 580.
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 Section 8396; S. 221, page 494.
 Sections 3742, 3749 of 1923 Code; S. 242, page 733.
 Sections 1053, 1058, 1063, 1074, 1081, 1141, 1146, 2051 of 1927 Code relating to public health; S. 247, pages 734, 772, 866, 2219, 2224, 2381.
 Sections 1048, 1050 and various sections of 1923 Code relating to public health; S. 248, pages 734, 772, 871, 2215, 2226, 2381.
 Section 6550 of 1923 Code; S. 249, pages 734, 1432, 1509.
 Section 6551 of 1923 Code; S. 250, pages 734, 1432, 1510.
 Section 5311 of 1923 Code; S. 251, pages 734, 779.
 Section 2341 of 1923 Code; S. 252, pages 734, 771, 839, 1268, 1287, 1339.
 Section 8179 of 1923 Code; S. 262, pages 845, 1526.
 Section 9579 of 1923 Code; S. 263, page 845.
 Section 10608 of 1923 Code; S. 270, page 850.
 Section 7948 of 1923 Code; S. 271, pages 850, 1527, 1731.
 Section 6485 of 1923 Code; S. 272, page 851.
 Section 5744 of 1923 Code; S. 274, pages 851, 1528, 1732.
 Section 8107 of 1923 Code; S. 275, page 851.
 Section 8108 of 1923 Code; S. 276, pages 851, 1528, 1733.
 Section 8106 of 1923 Code; S. 277, pages 851, 1528, 1733.
 Section 5806 of 1923 Code; S. 286, pages 852, 1528, 1734.
 Section 10598 of 1923 Code; S. 287, pages 852, 1528, 1734.
 Section 10591 of 1923 Code; S. 288, page 852.
 Section 5748 of 1923 Code; S. 289, page 853.
 Section 5742 of 1923 Code; S. 290, pages 853, 1528, 1954.
 Section 9596 of 1923 Code; S. 291, page 853.
 Section 5762 of 1923 Code; S. 292, page 853.
 Section 5778 of 1923 Code; S. 293, pages 853, 1529, 1734.
 Section 10594 as amended by Acts of 1931, page 840; S. 294, page 853.
 Section 10615 of 1923 Code; S. 295, pages 853, 1529, 1954.
 Section 10577 of 1923 Code; S. 296, pages 853, 1529, 1955.
 Section 7918 of 1923 Code; S. 301, pages 854, 1529, 1957.
 Section 7365 of 1923 Code; S. 302, page 854.
 Section 7887 of 1923 Code; S. 303, pages 854, 1529, 1954.
 Section 540 of 1923 Code; S. 341, pages 1373, 1437, 1515.
 Section 6771 of 1923 Code; S. 343, page 1374.
 Section 4768 of 1923 Code; S. 350, pages 1376, 1438, 1516, 1763, 1801, 2032.
 Section 1154 of 1923 Code; S. 370, pages 1461, 1687, 1978.
 Section 9017 of 1923 Code; S. 421, page 1736.
 Section 9008; H. 2, pages 156, 764, 837, 862, 900.
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 Section 8371 of 1923 Code; H. 99, pages 505, 600, 782, 827.
 Sections 3886, 3887, 3888, 3889 of Chapt. 122 of 1923 Code; H. 100, pages 1505, 1680, 2012, 2063.
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- Section 10375; H. 149, pages 272, 1963, 2145, 2165.
 Section 3973 of 1923 Code, relating to embezzlement by public officers; H. 165, pages 355, 496, 621, 643.
 Section 8797; H. 168, pages 342, 478, 521, 538.
 Section 1459 of 1923 Code; H. 192, page 504.
 Section 10313 of 1923 Code; H. 224, pages 535, 764, 1259, 1285.
 Sections 3456, 3457 of 1923 Code; H. 227, pages 504, 601, 746, 792.
 Section 3427 of 1923 Code; H. 228, pages 535, 764, 1258, 1285.
 Sections 6363, 6364 of 1923 Code; H. 242, pages 1673, 1681, 1782, 1850.
 Section 6705; H. 257, page 478.
 Sections 7131, 7133, 7134, 7151 of 1923 Code; H. 277, pages 898, 1251, 1315, 1332.
 Section 6824; H. 291, pages 479, 764, 1258, 1285, 1317, 1332.
 Section 462 of 1923 Code; H. 319, pages 505, 671, 915, 1242, 1285.
 Section 6105 of 1923 Code; H. 433, pages 868, 1432, 1511, 1565, 1713, 1760.
 Section 1943 of 1923 Code; H. 471, pages 1959, 2088, 2270, 2365.
 Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, 7596 of 1923 Code; H. 496, pages 1819, 1889, 1984, 2066.
 Section 1193 of 1923 Code as amended; H. 505, pages 905, 1963, 2145, 2166, 2333, 2380.
 Section 9257 of 1923 Code; H. 506, pages 1287, 1529, 1870, 1928, 1998.
 Section 9896 Subdivision 2—1923 Code as amended by an Act approved July 28th, 1931; H. 542, pages 1831, 1889, 2020, 2068.
 Section 2125 of 1923 Code; H. 565, page 1520.
 Section 1, 3 of an Act approved Sept. 9, 1927, amending Sec. 1754, 1757, 1760, 1894 of 1923 Code; H. 613, pages 1614, 2185, 2293, 2365.
 Section 5311 of 1923 Code; H. 654, pages 2095, 2155, 2278, 2366.
 Section 2341; H. 657, pages 882, 1253, 1319.
 Section 5076 of 1923 Code; H. 706, pages 1831, 1963, 2131, 2145, 2260, 2364.
 Section 1938 of 1923 Code; H. 708, pages 1959, 2088, 2267, 2285, 2365.
 Section 1950 of 1923 Code; H. 709, pages 1959, 2088, 2270, 2365.
 Section 462 of 1923 Code as amended by Act approved July 8, 1935; H. 805, pages 1742, 1966, 2147, 2166.
 Section 6767 of 1923 Code; H. 832, pages 2144, 2163, 2282, 2364.
 Section 540 of 1923 Code; H. 841, pages 1930, 1966, 2148, 2169.
 Sections 2874, 2875, 2880, 2885, 2886, 2888, 2889, 4387, 4389, 4390 of 1923 Code; H. 860, pages 1735, 1784, 1912, 1960, 2083, 2167.
 Section 325 as amended by "Act of 1927 amending various Sections of 1923 Code relating to Dentistry" and to amend Section 357; H. 906, pages 1899, 1966, 2085, 2167.
 Section 392 of 1923 Code as amended by Act approved Aug. 20, 1927; H. 926, pages 1863, 1966, 2148, 2165, 2231.
 Section 231 Subdivision 3, of 1923 Code as amended by Act approved June 6, 1925; H. 951, pages 2019, 2040, 2201, 2231.
 Section 376 of 1923 Code as amended by an Act of 1927 to amend Sections 375, 376, 387, 392, 393, 402, 403 of 1923 Code, Approved Aug. 20, 1927; H. 976, pages 2095, 2164, 2292, 2365.
 Section 1507, Chapt. 36 of 1923 Code; S. 418, page 1678.
 Section 1508, Chapt. 37 of 1923 Code; S. 417, page 1678.

CODE AMENDED—AGRICULTURAL—

- Section 347 of Article 13 of 1927 Code pertaining to supervision of Cotton Gins; S. 215, pages 476, 500, 547, 899, 1254, 1338.
 Sections 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, Article 19; H. 59, pages 98, 110, 141, 164, 217, 240.

CODE AMENDED—AGRICULTURAL—Continued.

Sections 170, 171, 172, 173, 174, 175, 176; H. 60, pages 98, 110, 142, 164, 215, 241.

Various Sections repealed and amended; H. 61, pages 99, 110, 143, 164. Section 334 to 343, also 345 of Article 30; H. 463, pages 609, 670, 756, 794.

Section 397; H. 486, pages 610, 670, 756, 795.

Section 124 of Article 16. Section 168 of Article 18, Section 217, Article 23 of Code approved Feb. 18, 1927 (H. 273 Goode) by an act approved Aug. 24, 1927; H. 532, pages 2143, 2161, 2279, 2365.

Section 149 of Article 17, 1927 Code, pertaining to fertilizers: H. 1052, pages 2143, 2162, 2279, 2294, 2367.

CODE AMENDED—MILITARY—

Sections 50, 59, 62, 65; H. 83, pages 180, 192, 231, 241, 254.

CODE AMENDED—REVENUE—

Section 334, Schedule 1, subsection 31 of Revenue Code of an Act approved July 22, 1927, in reference to revenue act as amended by an act approved July 30, 1931, of an act amending Section 19 of Revenue Act of 1927; H. 162, pages 2045, 2163, 2283, 2363.

CODE AMENDED—SCHOOL—

Section 188; S. 35; pages 74, 148, 169.

Section 197 of 1927 Code; S. 138, pages 343, 500, 546, 804, 825, 1337.

To amend Code of 1927 approved Aug. 11, 1927 by the Act approved Aug. 27, 1927, amending article III by repealing Sec. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and amending Article IV by repealing Secs. 62 and 63; S. 240, pages 664, 748, 804, 1319.

Sections 94, 108-113 inclusive, 133, 182, 277 281, 290, 472, 1927 Code; S. 424, pages 1783, 1816, 1915, 2285, 2346, 2386

Section 196; H. 92, pages 233, 500, 781, 840, 901.

Section 213; H. 148, pages 234, 245, 270, 286.

Amend Code of 1927 approved Aug. 11, 1927 by an Act approved Aug. 27, 1927 amending Article III by repealing Secs. 13, 14, etc., and amending Article IV by repealing Secs. 62 and 63; H. 648, pages 897, 1269, 1312, 1328.

CODE REPEALED—

Sections 952; S. 25, pages 69, 80, 101.

Sections 405, 406, 407, 408, 409, 410, 411; S. 71, pages 173, 1569, 1957.

Sections 8120, 8121, 8123, 8124, 8125, 8126, 8127, 8128, 8129, 8130, 8131, 8132, 8133, 8134, of Code of 1923; S. 114, pages 324, 501, 549.

Section 7562; S. 160, page 350.

Section 4768 of Code of 1923; S. 176, pages 377, 502, 1727.

Section 7562; S. 213, pages 476, 1680, 2056.

Section 5540 of 1923 Code; S. 225, pages 529, 1381, 1421.

Sections 6482, 6483, 6484 of 1923 Code; S. 273, page 851.

Section 952; H. 38, pages 82, 91, 102, 153.

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Chapter 35; H. 45, pages 149, 266, 294, 306.

Article 21 of Chapter 274 of 1923 Code; H. 275, pages 898, 1251, 1314, 1331.

Section 4828 Code of 1923; H. 317, pages 517, 607, 660, 727, 731, 844, 904, 1281, 1293, 1324.

Section 7562 Code of 1923; H. 496, pages 1819, 1889, 1984, 2066.

Sections 2258 and various sections of 1923 Code as amended by amending Sections 3, 6, 17, 51, 52, 56 and 61 by adding Section 60-A providing pledging of taxes; H. 447, pages 865, 872, 1278, 1292.

CODE REPEALED—PUBLIC HEALTH—

Sections 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932 of Code of 1923 relating to public health; S. 245, pages 733, 772, 867, 1457, 1464, 1621.

Sections 1057, 1067, 1083, 1084, 1099, 1117, 1121, 1122, 1123, 1126, 4357, 4358, 4368, 4467, 4471 4474 Code of 1923, relating to public health; S. 246, pages 733, 772, 870, 1457, 1464, 1622.

CODIFICATION—

Compiling new code; S. 385, pages 1567, 1683, 1864, 2023, 2053.

Providing for of general laws relating to Education; S. 398, pages 1626, 1691, 1900, 2234, 2329, 2384.

COLBERT COUNTY—

Authorizing Muscle Shoals to convey to U. S. Title to certain lands of; S. 322, pages 1345, 1377, 1414, 1533, 1534, 1622.

Directing Board of Revenue or County Court of Revenue to furnish office space, supplies, stationery, etc., for Deputy County Solicitors; H. 167, pages 307, 463, 486, 522.

Relief of Frank M. Barry; H. 771, pages 1635, 1685, 1771, 1851.

COFFEE COUNTY—

To repeal an Act allowing the Sheriff of an additional deputy, fixing the salary of said deputy and making said salary payable out of the general funds of said county; H. 65, pages 114, 192, 268.

To repeal an Act of the Legislature passed over the Governor's veto July 25, 1931, establishing the Inferior Court of; H. 66, pages 115, 191, 227, 254.

Relieving persons from liability to work on public roads; H. 374, pages 510, 601, 644, 683.

Authorizing Court of County Commissioners to elect County Road Supervisor or Engineer; H. 514, pages 630.

To repeal an Act approved May 28, 1931 allowing Sheriff an Additional deputy; H. 513, pages 629, 669, 741, 794.

To repeal an Act creating Treasurer, and to abolish such office as provided in said Act approved Feb. 7, 1923; H. 1066, pages 2102, 2156, 2237, 2325.

CONDEMNATIONS—

Parties allowed trial de novo in counties of 300,000 population or over as provided by Article 1, Chapt. 286 of the Code; S. 266, page 848.

Parties allowed trial de novo in counties of 300,000 population or over as provided by article 1, Chapt. 286, of the Code; H. 696, page 913.

CONFEDERATE PENSION—

Placing certain widows on roll of; S. 260, pages 824.

COTTON GINNERS—

Prohibiting restraint of trade and providing for violations of same; S. 204, pages 473, 600, 655.

COTTON GINS—

Regulating; S. 205, pages 473, 601, 745.

CONECUH COUNTY—

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Relief of W. S. Dreaden; S. 105, pages 323, 477, 519.

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To require Tax Assessors and Collectors in counties of 75,000 and not more than 110,000 to collect ad valorem taxes on motor vehicles. H. 1030, pages 1969, 2042, 2196, 2232.

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TAX COLLECTORS—

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To provide those issued under authority of Article XXIII of the Constitution and an "Act to provide for the issuance and sale of, approved Apr. 17, 1933", shall be known and designated as "Warrant Refunding Bonds". H. 28, pages 95, 130, 168, 185.

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